

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
FOR THE WESTERN DIVISION

VIVIAN BERT, et al., : CASE NO. 1:02CV00467  
Plaintiffs, : Judge Beckwith  
v. :  
AK STEEL CORPORATION, :  
Defendant. :

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Deposition of MICHAEL E. MILLER, taken on  
Wednesday, June 6, 2007, commencing at 9:06 a.m.,  
at the offices of Taft, Stettinius & Hollister LLP,  
425 Walnut Street, Suite 1800, Cincinnati, Ohio,  
before Susan M. Barhorst, Notary Public.

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1 APPEARANCES:  
 2 On behalf of Plaintiffs:  
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 8 On behalf of Defendant AK Steel Corporation:  
 9 Patricia A. Pryor, Esq.  
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13 Cross-Examination

14 by Ms. Pryor 3  
 15 by Ms. Donahue 133  
 16 \* \* \*

17 MILLER DEPOSITION EXHIBITS MARKED/IDENTIFIED

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22 5	44
23 6	95
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1 MICHAEL E. MILLER  
 2 being first duly sworn, testified as follows:  
 3 CROSS-EXAMINATION  
 4 BY MS. PRYOR:  
 5 Q. Mr. Miller, I introduced myself  
 6 earlier, but let me do it officially. I'm Patty  
 7 Pryor and I represent AK Steel Corporation in a  
 8 lawsuit you've filed against them.  
 9 Will you state your full name for the  
 10 record?  
 11 A. Michael Eugene Miller.  
 12 Q. And have you ever been involved in  
 13 civil litigation before?  
 14 A. Trying to think here. Civil -- well,  
 15 I was involved in my mom's case.  
 16 Q. What was that?  
 17 A. That was a case for murder. I think I  
 18 wrote it on my --  
 19 Q. Was your mom the victim of --  
 20 A. No, she wasn't the victim. No, she  
 21 got to fight with stepfather --  
 22 Q. Okay.  
 23 A. -- and cut him. He was -- and he bled  
 24 to death.

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1 Q. Okay.  
 2 A. She was convicted of manslaughter.  
 3 Q. Okay. All right. And you were a  
 4 witness in that case?  
 5 A. Yes, in the trial.  
 6 Q. Okay. So you've testified under oath  
 7 before?  
 8 A. Yes.  
 9 Q. Any other time that you've been  
 10 involved in litigation?  
 11 A. Not to that extent, no.  
 12 Q. Let me just go over a few ground  
 13 rules. Well, let me ask you, when was the case  
 14 involving your mother?  
 15 A. I think it was in 2000, 'cause it  
 16 happened in '98, October.  
 17 Q. And what's your mother's name?  
 18 A. Eugenia Reed, L. Reed.  
 19 Q. Just a few ground rules for the  
 20 deposition. If you don't hear a question I ask,  
 21 please ask me to repeat it. If you don't  
 22 understand what I'm asking, please ask me to  
 23 rephrase or tell me that you don't understand.  
 24 Otherwise, I'm going to assume that you're

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1 answering what I'm asking.  
 2 If you need to take a break at any  
 3 time, we can do that. No nodding or shaking of the  
 4 head. Court reporter can't take it down very well.  
 5 And also try to avoid the "ah-huh's" and  
 6 "na-huh's." That's also common in language. We  
 7 understand it. It's hard for the court reporter to  
 8 take it down, okay?  
 9 A. (Witness nodded.)  
 10 Q. Yes?  
 11 A. Yeah.  
 12 MS. PRYOR: That happens about nine  
 13 times out of 10.  
 14 MS. DONAHUE: You will get the hang of  
 15 it. We'll start jumping up.  
 16 Q. Is there any reason that you are not  
 17 able to testify today?  
 18 A. Is there any reason that I'm not able  
 19 to testify today?  
 20 Q. Anything would prevent you from  
 21 recalling things. Sometimes someone comes -- have  
 22 an accident on the way in, that's on their mind and  
 23 they can't think of anything else?  
 24 A. No, nothing to that --

Page 6	Page 8
<p>1 Q. Okay. You taking any drugs or alcohol 2 today? 3 <b>A. No, no drugs, no alcohol.</b> 4 Q. Including prescription medications? 5 <b>A. No. Vitamins, that's it.</b> 6 Q. Do you normally take any prescription 7 medications? 8 <b>A. No, I don't.</b> 9 Q. Have you ever filed for bankruptcy? 10 <b>A. No, I have not filed for bankruptcy.</b> 11 Q. Have you ever been convicted of a 12 crime? 13 <b>A. Convicted means found guilty, right?</b> 14 Q. Found guilty or plead guilty. 15 <b>A. Yes --</b> 16 Q. Okay. 17 <b>A. -- I have.</b> 18 Q. What is that? 19 <b>A. Military.</b> 20 Q. What was it? 21 <b>A. I was in a bar fight, beat up a guy.</b> 22 Q. What were you -- was it through a 23 military tribunal that you were -- 24 <b>A. No, we did it in civil court.</b></p>	<p>1 <b>I don't remember what year, but I stole some</b> 2 <b>diapers.</b> 3 Q. From like a supermarket or -- 4 <b>A. Yes.</b> 5 Q. And were you convicted of that? 6 <b>A. I got probation.</b> 7 Q. Okay. 8 <b>A. Like restitution 'cause I took them</b> 9 <b>back.</b> 10 Q. Okay. So you received a suspended 11 sentence with probation? 12 <b>A. Yes, I think it was suspended with</b> 13 <b>probation.</b> 14 Q. And I apologize. I may have already 15 asked you this. Roughly what year was that? 16 <b>A. I'm not sure what year it was.</b> 17 Q. '96, would that sound about right? 18 <b>A. May be. Was it Cub Foods?</b> 19 Q. I don't know that. 20 <b>A. I don't know.</b> 21 Q. Have you ever had any other theft 22 charges? 23 <b>A. That was the only one.</b> 24 Q. Okay. Was that -- what court was that</p>
Page 7	Page 9
<p>1 Q. Was it regular court? 2 <b>A. Yeah.</b> 3 Q. Where was that at? 4 <b>A. That was in Texas.</b> 5 Q. And what year was that roughly? 6 <b>A. I want to say 1989, but I'm not sure.</b> 7 Q. And were you convicted or did you 8 plead guilty to something? 9 <b>A. I don't remember. I can't recall</b> 10 <b>that.</b> 11 Q. Okay. Do you remember what the 12 charges were? 13 <b>A. I think it was felonious assault. I'm</b> 14 <b>not sure.</b> 15 Q. Any other convictions or -- 16 <b>A. No.</b> 17 Q. Have you ever been arrested for 18 anything else? 19 <b>A. No.</b> 20 Q. Have you ever been charged in a theft 21 offense, petty theft? 22 <b>A. Yes, I have.</b> 23 Q. Okay. What was that? 24 <b>A. Trying to remember what year that was.</b></p>	<p>1 in? Was that here locally? 2 <b>A. No, I don't live here. That was in</b> 3 <b>Dayton.</b> 4 Q. That was in Dayton? 5 <b>A. Yes.</b> 6 Q. Any other convictions or arrests? 7 <b>A. Domestic violence.</b> 8 Q. Okay. When was that? 9 <b>A. I don't know. Let me see. I got</b> 10 <b>divorced in '99, so it was before then.</b> 11 Q. Okay. Were you arrested or -- and 12 convicted or just -- 13 <b>A. I was arrested and then the charges</b> 14 <b>were dropped 'cause I didn't actually --</b> 15 Q. Okay. 16 <b>A. -- do any physically harm. It was</b> 17 <b>verbal.</b> 18 Q. Any other instances? 19 <b>A. Not to my knowledge, no.</b> 20 Q. Okay. Have you ever had a suspended 21 driver's license? 22 <b>A. Yes.</b> 23 Q. What was it suspended for? 24 <b>A. Insurance.</b></p>

Page 10	Page 12
<p>1 Q. Were you ever charged and convicted 2 with driving without -- with a suspended license? 3 <b>A. Yes.</b> 4 Q. Do you know how many times that was? 5 <b>A. Once.</b> 6 Q. And do you know when that was? 7 <b>A. No, I'm not sure.</b> 8 Q. All right. Would that have been 9 before 2001? 10 <b>A. I think so, but I'm not positive.</b> 11 Q. What's your current address? 12 <b>A. 1916 Alamo Avenue.</b> 13 Q. And how long have you lived there? 14 <b>A. Just about a year.</b> 15 Q. Okay. What was your address before 16 that? 17 <b>A. 2313 Germantown Street.</b> 18 Q. And how long roughly did you live 19 there? 20 <b>A. Probably about seven, eight years</b> 21 <b>approximately.</b> 22 Q. Prior to that, did you reside down in 23 Texas? 24 <b>A. Yes.</b></p>	<p>1 Q. Okay. Who's that? 2 <b>A. Marsha Hicks.</b> 3 Q. How long were you married to her? 4 <b>A. Roughly the same, about two years.</b> 5 Q. And prior marriages? 6 <b>A. Na-huh.</b> 7 Q. Okay. Roughly when did you marry 8 Marsha Hicks? 9 <b>A. That's a good one. See, I think it</b> 10 <b>was in '89.</b> 11 Q. Roughly '89? 12 <b>A. I think it was 1989.</b> 13 Q. Okay. And what about Ineke? 14 <b>A. Ineke. Shoot. What was -- I think it</b> 15 <b>was '97.</b> 16 Q. '97? 17 <b>A. I'm not sure.</b> 18 Q. Roughly? 19 <b>A. Yeah, roughly '97.</b> 20 Q. I understand. Okay. 21 <b>A. I'm not sure.</b> 22 Q. Okay. Do you have any children? 23 <b>A. Not biological, no.</b> 24 Q. Okay. Any step-kids?</p>
Page 11	Page 13
<p>1 Q. Did you have an address -- 2 <b>A. El Paso, Texas.</b> 3 Q. 1601 Lee Trevino Drive, El Paso, 4 Texas? 5 <b>A. Yes. Wow, I don't remember that one.</b> 6 Q. And I think you mentioned that you're 7 divorced. Are you currently married? 8 <b>A. I'm currently married, yes.</b> 9 Q. You're currently married? Okay. 10 What's your wife's name? 11 <b>A. Gail Miller.</b> 12 Q. And how long have you been married? 13 <b>A. Going on seven years in August.</b> 14 Q. And did you have a previous marriage? 15 <b>A. Yes.</b> 16 Q. Who was that? 17 <b>A. Her name was Ineke, I-N-E-K-E. You</b> 18 <b>don't need her middle name do you?</b> 19 Q. (Ms. Pryor nodded.) 20 And how long were you married to her? 21 <b>A. Roughly two years.</b> 22 Q. Okay. Any prior marriages before 23 that? 24 <b>A. Yes.</b></p>	<p>1 <b>A. You mean step-kids, as in with my wife</b> 2 <b>has kids now?</b> 3 Q. Mm-hmm. 4 <b>A. No, she doesn't --</b> 5 Q. Okay. 6 <b>A. -- so --</b> 7 Q. Do you have other kids that you -- 8 <b>A. Yeah, Kayla's is -- Ineke's, that's</b> 9 <b>the reason we divorced.</b> 10 Q. Oh. 11 <b>A. She was pregnant by another man. I</b> 12 <b>just took the authority over him 'cause his dad</b> 13 <b>went to prison for life --</b> 14 Q. Okay. 15 <b>A. -- for killing his other child.</b> 16 Q. What was the dad's name? 17 <b>A. Solomon. I don't know his last name.</b> 18 Q. So you're helping to raise -- 19 <b>A. Yes.</b> 20 Q. Okay. What's your educational 21 background? 22 <b>A. I have a associate degree in robotics</b> 23 <b>engineering.</b> 24 Q. And where is that from?</p>

<p style="text-align: right;">Page 14</p> <p>1     <b>A. That's from Sinclair.</b></p> <p>2     Q. Where did you go to high school?</p> <p>3     <b>A. Dunbar High School in Dayton.</b></p> <p>4     Q. Any other degrees or courses or</p> <p>5 training that you've received?</p> <p>6     <b>A. I'm working on a degree in engineering</b></p> <p>7 <b>psychology, human factors. It's at Wright State,</b></p> <p>8 <b>but I've been temporarily delayed for awhile.</b></p> <p>9     Q. Why is that?</p> <p>10    <b>A. Working, just working -- schedule.</b></p> <p>11    Q. So you're working on a bachelor's</p> <p>12 degree in this?</p> <p>13    <b>A. Yes, Bachelor of Science.</b></p> <p>14    Q. What's engineering psychology?</p> <p>15    <b>A. Human factors is the study of human</b></p> <p>16 <b>machine interaction. I go stand and watch people</b></p> <p>17 <b>work and try to find better alternatives to reduce</b></p> <p>18 <b>carpal tunnel and physical injuries.</b></p> <p>19    Q. Oh, cool. You've been handed what's</p> <p>20 been marked as Exhibit 1.</p> <p>21    <b>A. Mm-hmm.</b></p> <p>22    Q. Is that a copy of your transcript from</p> <p>23 Sinclair?</p> <p>24    <b>A. Transcript, yes.</b></p>	<p style="text-align: right;">Page 16</p> <p>1 those or was it just military training?</p> <p>2     <b>A. Yeah, when I went to Sinclair, they</b></p> <p>3 <b>gave me some college credit.</b></p> <p>4     Q. Okay. Is that reported anywhere?</p> <p>5     <b>A. It should have been. Yeah, right</b></p> <p>6 <b>there, "Transfer Credits" on the second page</b></p> <p>7 Q. You're looking at the second page?</p> <p>8     <b>A. Yeah, down towards the end --</b></p> <p>9     Q. Okay.</p> <p>10    <b>A. -- 55.</b></p> <p>11    Q. Where it says U.S. Army?</p> <p>12    <b>A. Mm-hmm.</b></p> <p>13    Q. Okay. Is there any place that you</p> <p>14 have what those credits were in? Do you have a</p> <p>15 record of what those credits were in?</p> <p>16    <b>A. There's a U.S. Army transcript.</b></p> <p>17    Q. Do you have that?</p> <p>18    <b>A. No, I don't have that with me, but I</b></p> <p>19 <b>think you can definitely get one.</b></p> <p>20    Q. Okay. Let's go through your</p> <p>21 employment history. Did you go into the Army</p> <p>22 before you went to Sinclair?</p> <p>23    <b>A. Yes.</b></p> <p>24    Q. Was that your first official</p>
<p style="text-align: right;">Page 15</p> <p>1     Q. I think I know, but the "W" in the</p> <p>2 grade column, what is the "W"? Is that withdrawn?</p> <p>3     <b>A. I think so. It means withdrawn.</b></p> <p>4     Q. Okay. So those were courses that you</p> <p>5 did not complete, there's a "W" next to it?</p> <p>6     <b>A. Yes. Some of them I went back and</b></p> <p>7 <b>took again.</b></p> <p>8     Q. Okay. And did you say you did</p> <p>9 graduate with a degree?</p> <p>10    <b>A. Yes.</b></p> <p>11    Q. Did you take any courses in DC circuit</p> <p>12 analysis?</p> <p>13    <b>A. I don't know if that was at Sinclair</b></p> <p>14 <b>or not, but I'm pretty sure I did that in -- in the</b></p> <p>15 <b>military.</b></p> <p>16    Q. In the military?</p> <p>17    <b>A. Yes.</b></p> <p>18    Q. What kind of courses did you take in</p> <p>19 the military?</p> <p>20    <b>A. Boy, if I could remember that. I took</b></p> <p>21 <b>microwave circuits; I took binary electronics;</b></p> <p>22 <b>troubleshooting, AC/DC circuits. Can't really</b></p> <p>23 <b>remember the rest. I just -- that's just --</b></p> <p>24    Q. Did you get college credit for any of</p>	<p style="text-align: right;">Page 17</p> <p>1 employment out of high school or did you do</p> <p>2 something else before the Army?</p> <p>3     <b>A. I may have, but I don't --</b></p> <p>4     Q. Okay.</p> <p>5     <b>A. -- I don't remember.</b></p> <p>6     Q. Okay. When did you go into the Army?</p> <p>7     <b>A. I went into the Army in November of</b></p> <p>8 <b>1988.</b></p> <p>9     Q. 1988?</p> <p>10    <b>A. Yes.</b></p> <p>11    Q. When did you graduate high school?</p> <p>12    <b>A. '87, June.</b></p> <p>13    Q. Okay. And how long were you in the</p> <p>14 Army?</p> <p>15    <b>A. Got out in May of '92.</b></p> <p>16    Q. Were you honorably discharged?</p> <p>17    <b>A. General.</b></p> <p>18    Q. I'm sorry?</p> <p>19    <b>A. General discharge.</b></p> <p>20    Q. What does that mean?</p> <p>21    <b>A. General under honorable means that I</b></p> <p>22 <b>didn't receive an honorable, but I received a</b></p> <p>23 <b>general under honorable conditions.</b></p> <p>24    Q. Why didn't you receive an honorable?</p>

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<p>1 A. Because of the incident, the fighting 2 incident. 3 Q. Did that fighting incident lead you to 4 leave the Army? 5 A. No, it didn't lead me leave the Army. 6 The altercation started because of a young woman 7 that I was involved with that I later married. 8 Q. Okay. 9 A. That was -- 10 Q. Okay. Were you married at that time 11 to Marsha Hicks when you had the altercation? 12 A. No, I was divorced. 13 Q. Okay. What did you do in the Army? 14 A. I was a -- I was a 23, 24 -- a Hawk 15 coordination central mechanic. I worked on radar 16 systems. 17 (Off-the-record discussion.) 18 Q. Okay. After you left the Army in 19 1992, what did you do then for employment? 20 A. I worked at a janitorial company and I 21 can't remember the name. I think it was Alpha 22 Omega Janitorial and I cleaned buildings. 23 Q. And how long did you do that? 24 A. I don't know how long I did that. I'm</p>	<p>1 Q. Was that -- 2 A. Forgot about that. 3 Q. Was that your next employer or could 4 there have been one in between that? 5 A. I don't know. Might have been my next 6 employer. 7 Q. Do you know when you worked for 8 A-Mold? 9 A. No, I don't. 10 Q. Do you know how long you worked for 11 them? 12 A. I don't remember how long I worked for 13 them. 14 Q. Do you know what you did for them? 15 A. Yes, it was maintenance. 16 Q. What kind of maintenance? What is 17 A-Mold? 18 A. A-Mold is a company. They made 19 aluminum die cast rims for Corvettes. 20 Q. Okay. 21 A. Yeah, tire rims. 22 Q. And what kind of maintenance did you 23 do? 24 A. Electrical maintenance and I worked on</p>
Page 19	Page 21
<p>1 not sure. I'm not sure when that job ended for me. 2 Q. Why did that job end? 3 A. I started school in -- sometime after 4 that. 5 Q. You started school at Sinclair? 6 A. Yes. I lived with my mom for awhile, 7 and then I decided I was going to go to school. I 8 was trying to get my GI Bill information so I could 9 go to school and that was taking forever. 10 Q. Okay. It looks like from your 11 Sinclair College transcript that you started in the 12 fall of '94 at Sinclair. Does that sound right? 13 A. I mean, it's on the paper, but I'm -- 14 I thought I started in '93. Maybe they're right. 15 It was '94. I'm sure they'd have more accurate 16 than I would so -- 17 Q. Okay. What was your next job after 18 the janitorial? 19 A. I don't know. I don't know it all. 20 If you call it and it jogs my memory, I'll remember 21 it. But I don't remember back that far. 22 Q. Did you ever work for a company called 23 A-Mold? 24 A. Yeah, I worked for A-Mold.</p>	<p>1 the robots. 2 Q. Okay. And why did you leave that job? 3 A. I was let go because they increased 4 their requirements experience-wise and I didn't fit 5 the criteria. 6 Q. What were the increased requirements? 7 A. Went from having no experience to 8 having seven years' experience. And I was actually 9 hired before the human resources lady left and 10 found out that she was actually in a heated battle 11 with the company. 12 And I wasn't sure if I was pulled in 13 as a way of getting back at them or -- but they did 14 work with me and when the gentleman sat down and 15 talked to me, he told me that I really didn't have 16 the experience that they were looking for. That 17 was after I had been there for a time. 18 Q. You don't remember how long? Was it 19 months, was it years? 20 A. It was some months after, yes. 21 Q. Were you the only one let go, do you 22 know? 23 A. I'm not sure. I don't know. 24 Q. And do you know where you went to work</p>



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1 after A-Mold?  
 2 **A. No.**  
 3 Q. Did you ever work for Motoman?  
 4 **A. Yes.**  
 5 Q. What did you do for them?  
 6 **A. We put together robotic sales, welding**  
 7 **robotic sales.**  
 8 Q. Do you know when you worked for  
 9 Motoman?  
 10 **A. Not without my resume, I don't.**  
 11 Q. Do you have a resume?  
 12 **A. Not with me.**  
 13 Q. Do you have one at home?  
 14 **A. Yes.**  
 15 Q. Do you know how long you worked for  
 16 Motoman?  
 17 **A. No, don't remember.**  
 18 Q. Was it months?  
 19 **A. It was some months, yes.**  
 20 Q. Was it years or just months?  
 21 **A. I don't know, maybe.**  
 22 Q. Was it full-time employment?  
 23 **A. I was a temp.**  
 24 Q. Were you -- I'm sorry. Were you

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1 employed by the temporary service?  
 2 **A. Yes.**  
 3 Q. You were not actually employed by  
 4 Motoman?  
 5 **A. I wasn't actually a Motoman employee,**  
 6 **no.**  
 7 Q. When you worked for A-Mold were you a  
 8 temp there?  
 9 **A. No.**  
 10 Q. You were actually --  
 11 **A. Full-time --**  
 12 Q. -- a full-time employee?  
 13 **A. Yes.**  
 14 Q. Did you work for A-Mold when you were  
 15 going to school at Sinclair?  
 16 **A. I don't know.**  
 17 Q. Did you work anywhere when you were  
 18 going to school at Sinclair?  
 19 **A. I'm sure I did, but I couldn't**  
 20 **remember back that far.**  
 21 Q. You can't remember?  
 22 **A. Na-huh.**  
 23 Q. What about Motoman, do you know  
 24 whether you worked for them while you were going to

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1 school at Sinclair?  
 2 **A. I don't think so.**  
 3 Q. And did you work at a place called  
 4 PCU?  
 5 **A. Yes, Production Control Units.**  
 6 Q. And what did you do for them?  
 7 **A. I was a field service tech, went out**  
 8 **and installed automotive fluid-filled equipment for**  
 9 **automobiles.**  
 10 Q. And do you know when you worked there?  
 11 **A. I don't know exactly when I started,**  
 12 **but I think I left in January of -- I think it was**  
 13 **2001. That's approximate. I'm not sure. I left**  
 14 **right after the beginning of the year.**  
 15 Q. Why did you leave?  
 16 **A. I went to Heidelberg.**  
 17 Q. And what is Heidelberg?  
 18 **A. Heidelberg is a company that produced**  
 19 **digital printing presses for newspaper industry.**  
 20 Q. And what did you do there?  
 21 **A. I built up all the electrical**  
 22 **subassemblies, control panels, PLC programming, and**  
 23 **whatever mechanical deals I have.**  
 24 Q. Okay. How long did you work there?

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1 **A. I think I was laid off in June of the**  
 2 **same year. That, I'm not sure about. And then I**  
 3 **was called back in -- matter of fact, I was called**  
 4 **back on my birthday, December 3rd, of the same**  
 5 **year, and worked until April 26th of 2002. That's**  
 6 **approximate, so I don't --**  
 7 Q. So you were laid off. Were you laid  
 8 off with other people?  
 9 **A. Yes, everybody was laid off.**  
 10 Q. And you were called back to work?  
 11 **A. Yes, in December, yes. They closed**  
 12 **down and moved to New Hampshire.**  
 13 Q. In April?  
 14 **A. No, that was the next year, sometime**  
 15 **in late November of 2002.**  
 16 Q. Why did you leave there on April 26th,  
 17 2002?  
 18 **A. Because when I came back, we came back**  
 19 **under a temp agency, Manpower. And the contract**  
 20 **that they had was -- for me, was until April.**  
 21 Q. When you worked for them the first  
 22 time, were you working as a temporary employee  
 23 or --  
 24 **A. No, I was a full-time employee.**

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<p>1 Q. What was your -- what did you make 2 there? 3 <b>A. At Heidelberg?</b> 4 Q. Yes. 5 <b>A. Digital printing presses.</b> 6 Q. I'm sorry. What was your rate of pay? 7 <b>A. Oh, I'm sorry. Starting out, I think</b> 8 <b>it was 17.69.</b> 9 Q. What about when you ended? 10 <b>A. I got a raise, but I couldn't remember</b> 11 <b>how much it was.</b> 12 Q. Did you have benefits there? 13 <b>A. Yes.</b> 14 Q. Both times that you were employed 15 there? 16 <b>A. Second time, no.</b> 17 Q. The second time that you were employed 18 there, did you make 17.69 or more an hour? 19 <b>A. God, what was the rate of pay then?</b> 20 <b>It was more than the 17.69 because they took away</b> 21 <b>all the benefits and paid us straight money. But I</b> 22 <b>can't remember how much it was.</b> 23 Q. Okay. 24 <b>A. Plus I got a bonus for the time that I</b></p>	<p>1 <b>A. A-Mold is in Mason, Ohio.</b> 2 Q. And did you work there before Motoman? 3 <b>A. Yes.</b> 4 Q. And did you work at Motoman before 5 PCU? 6 <b>A. Yes.</b> 7 Q. And PCU before Heidelberg? 8 <b>A. Yes.</b> 9 Q. What about Fisher Products, did you 10 work for them at some point? 11 <b>A. Yes.</b> 12 Q. When did you work -- 13 <b>A. Oh --</b> 14 Q. Was it here or -- 15 <b>A. It's here --</b> 16 Q. Okay. 17 <b>A. -- but I don't know when.</b> 18 Q. All right. Could it have been 1999? 19 <b>A. Approximately, could have been.</b> 20 Q. Do you know how long you worked for 21 them? 22 <b>A. It wasn't long.</b> 23 Q. What did you do there? 24 <b>A. I built high pot test equipment for</b></p>
Page 27	Page 29
<p>1 <b>worked at the end of the contract, \$8,500.</b> 2 Q. Did you work at a place called Tonka? 3 <b>A. Wow. Whew, you going back in the day.</b> 4 <b>Yes, I did.</b> 5 Q. What did you do for them? 6 <b>A. I was a die mold assistant.</b> 7 Q. Roughly when did you do that? 8 <b>A. Whew, let me see. I don't remember.</b> 9 Q. Was it before or after you went into 10 the military? 11 <b>A. It was after.</b> 12 Q. Okay. Do you know whether it was 13 before or after you went to Sinclair College? 14 <b>A. It was before.</b> 15 Q. Do you know how long you worked there? 16 <b>A. No, I don't.</b> 17 Q. Do you know why you left? 18 <b>A. Yes. I moved back home.</b> 19 Q. Was this in Texas that you -- 20 <b>A. Yes, El Paso.</b> 21 Q. When did you move back home? 22 <b>A. Another good question. I don't know.</b> 23 <b>I'm not sure when I moved back.</b> 24 Q. A-Mold, was that here in Ohio?</p>	<p>1 <b>Black and Decker drills, standards and rotors.</b> 2 Q. You built it, meaning you worked on a 3 machine or you -- 4 <b>A. I built the machines that tested them.</b> 5 Q. And why did you leave? 6 <b>A. I was let go.</b> 7 Q. Why? 8 <b>A. Because I applied for field service</b> 9 <b>and they said I didn't have the experience level</b> 10 <b>and they hired another guy in and I was upset about</b> 11 <b>it. And I asked why and I was let go.</b> 12 Q. You just asked why or did you -- 13 <b>A. Yeah, I inquired as to why was I not</b> 14 <b>fitted for the job. According to the</b> 15 <b>qualifications, I was more than qualified.</b> 16 Q. Did you get -- do you have a loud 17 voice? Were you -- 18 <b>A. No, it wasn't a loud voice. I just</b> 19 <b>asked -- I just went in and questioned it.</b> 20 Q. And they let you go, fired you? 21 <b>A. They let me go after that.</b> 22 Q. They fired you? 23 <b>A. Yes.</b> 24 Q. Any place else that you can think of</p>



Page 30	Page 32
<p>1 that you worked prior to 2001?</p> <p>2 <b>A. There was one place I worked at, but</b></p> <p>3 <b>I -- I don't remember when it was. It was called</b></p> <p>4 <b>Ohio Electronics Engravers and they made digital</b></p> <p>5 <b>engravers.</b></p> <p>6 Q. How long did you work for them?</p> <p>7 <b>A. I don't know.</b></p> <p>8 Q. Months?</p> <p>9 <b>A. It was probably a few months 'cause I</b></p> <p>10 <b>went -- from their, I think I went to Motoman. So</b></p> <p>11 <b>that was in between there sometime.</b></p> <p>12 Q. Okay. And why did you leave Ohio</p> <p>13 Electronic Engravers?</p> <p>14 <b>A. I went to Motoman.</b></p> <p>15 Q. You abbreviate that OEE?</p> <p>16 <b>A. OEE, yeah, Ohio Electronic Engravers.</b></p> <p>17 Q. How many times did you apply for work</p> <p>18 at AK Steel?</p> <p>19 <b>A. Twice.</b></p> <p>20 Q. Twice? Do you know when those were?</p> <p>21 <b>A. No, I don't. I think one may have</b></p> <p>22 <b>been in February, but I'm not sure.</b></p> <p>23 Q. Let's see if we can jog your --</p> <p>24 <b>A. I'm just --</b></p>	<p>1 Q. Both times that you applied, did you</p> <p>2 go to the same place to apply?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. Did you speak to anyone about your</p> <p>5 application?</p> <p>6 <b>A. I just went up to the big, front desk</b></p> <p>7 <b>and asked for a application for AK Steel and filled</b></p> <p>8 <b>it out and turned it in.</b></p> <p>9 Q. Was that true for both occasions?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Okay. Did anyone talk to you, other</p> <p>12 than here's your application? Were there any other</p> <p>13 conversations?</p> <p>14 <b>A. They just told me what the process</b></p> <p>15 <b>was, that they would take the application and</b></p> <p>16 <b>submit it and send it in.</b></p> <p>17 Q. Send it in to AK Steel?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Was anyone hostile to you during the</p> <p>20 application process?</p> <p>21 <b>A. No.</b></p> <p>22 Q. Did you physically go to AK Steel?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. Was that for an interview or a test?</p>
Page 31	Page 33
<p>1 Q. You've been handed what's been marked</p> <p>2 as Exhibit 2.</p> <p>3 <b>A. Okay.</b></p> <p>4 Q. Is this an application that you made</p> <p>5 to AK Steel?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Is that your signature on the last</p> <p>8 page?</p> <p>9 <b>A. Yes, it is.</b></p> <p>10 Q. Okay. I assume that's your</p> <p>11 handwriting throughout the document?</p> <p>12 <b>A. Yep, that's my handwriting, yes, it</b></p> <p>13 <b>is.</b></p> <p>14 Q. Where did you go to submit your</p> <p>15 application?</p> <p>16 <b>A. It was -- was it the bureau of</b></p> <p>17 <b>employment services? I think it was.</b></p> <p>18 Q. Okay.</p> <p>19 <b>A. I don't know the name of that place.</b></p> <p>20 <b>It's a big place in Middletown where you went at</b></p> <p>21 <b>this time.</b></p> <p>22 Q. Was it on University Boulevard?</p> <p>23 <b>A. I'm -- I'm not sure. It was right in</b></p> <p>24 <b>the middle of town, though.</b></p>	<p>1 <b>A. Interview and testing.</b></p> <p>2 Q. Okay. You did not list OEE on this</p> <p>3 application, did you?</p> <p>4 <b>A. Not sure. Let me look. No, I didn't.</b></p> <p>5 Q. Fisher Products, when was that? Was</p> <p>6 that before A-Mold? Was it after A-Mold?</p> <p>7 <b>A. I think it was after A-Mold. I'm</b></p> <p>8 <b>pretty sure it was after A-Mold. A-Mold is one of</b></p> <p>9 <b>my earlier jobs.</b></p> <p>10 Q. Okay. Do you know if it was before or</p> <p>11 after Motoman?</p> <p>12 <b>A. I'm not sure.</b></p> <p>13 Q. Okay. And on your application, this</p> <p>14 is the last page, you state you're looking for</p> <p>15 either technical or a production position?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Okay. Who is Samuel Johnson?</p> <p>18 <b>A. Samuel Johnson is -- was my pastor at</b></p> <p>19 <b>the time.</b></p> <p>20 Q. Why did you list him as a reference?</p> <p>21 <b>A. Because he retired from AK Steel.</b></p> <p>22 Q. What about O.J. Hassle, who is he?</p> <p>23 <b>A. He was a deacon in my church.</b></p> <p>24 Q. Why did you list him?</p>

<p style="text-align: right;"><b>Page 34</b></p> <p>1     <b>A. He worked at Miller Brewery in Trenton</b>  2     <b>and he probably could assess my character and some</b>  3     <b>of my employment history.</b>  4     Q. Did he know about your employment  5     history?  6     <b>A. Yes. He knew some of it, yes.</b>  7     Q. Just from you telling him or --  8     <b>A. Just from me talking to him about it.</b>  9     Q. What about -- is it Andre Walker?  10    <b>A. Yes.</b>  11    Q. Who is that?  12    <b>A. He was another deacon in my church.</b>  13    <b>He -- I'm not sure if he's retired yet, but I know</b>  14    <b>last time that I spoke with him, he still works at</b>  15    <b>AK Steel.</b>  16    Q. Okay. What race are these gentlemen?  17    <b>A. They're all black.</b>  18    Q. Have you ever been without employment  19    for more than six weeks?  20    <b>A. Yes.</b>  21    Q. When? When was that?  22    <b>A. I don't know, different times, I</b>  23    <b>guess.</b>  24    Q. Prior to 2001, have you ever been</p>	<p style="text-align: right;"><b>Page 36</b></p> <p>1     Q. When you were asked, have you ever  2     been convicted of a crime, you put "No," but that  3     was false; is that true?  4     <b>A. I'm not sure 'cause I don't know -- at</b>  5     <b>the time, I wasn't for sure what -- if they meant</b>  6     <b>had I ever been jailed for any long period of time.</b>  7     Q. But you knew you had a theft charge  8     that you were convicted of?  9     <b>A. Yeah, I knew I had -- I knew I had</b>  10    <b>some charges.</b>  11    Q. Okay.  12    <b>A. But I thought maybe they were saying</b>  13    <b>as far as jail time, had I ever.</b>  14    Q. That's not what it asks, though, is  15    it?  16    <b>A. No, but I didn't understand the</b>  17    <b>question. So knowing me, I probably did mark "No."</b>  18    Q. It would look better if you marked  19    "No," too, wouldn't it?  20    MS. DONAHUE: Object to the form.  21    This is getting argumentative. Go ahead, answer.  22    <b>A. I don't think it would look better to</b>  23    <b>me. It's not right.</b>  24    Q. What's not right?</p>
<p style="text-align: right;"><b>Page 35</b></p> <p>1     without employment for more than six weeks?  2     <b>A. If I have, I don't remember honestly.</b>  3     Q. Since 2001, do you remember --  4     <b>A. (Witness nodded.)</b>  5     Q. But you know you have been?  6     <b>A. I know I have been, yes. I think when</b>  7     <b>I got laid off from -- from Heidelberg, I was</b>  8     <b>without employment 'cause I applied for a job at AK</b>  9     <b>Steel.</b>  10    Q. Okay. You've been handed what's been  11    marked as Exhibit 3. Did you complete this  12    applicant survey as part of your application to AK  13    Steel?  14    <b>A. Yes, I did. I missed a question.</b>  15    Q. Which question did you miss?  16    <b>A. "Have you ever been terminated from</b>  17    <b>any employer?"</b>  18    Q. Why -- do you know why you missed that  19    or just overlooked it?  20    <b>A. I may have just overlooked it.</b>  21    Q. Well, the answer would have been  22    "yes," isn't that right?  23    <b>A. Yes, I have been terminated from an</b>  24    <b>employer.</b></p>	<p style="text-align: right;"><b>Page 37</b></p> <p>1     <b>A. It's not right to lie.</b>  2     Q. Agree. Where did you have six years  3     of manufacturing experience at?  4     <b>A. I tried to culminate all of my</b>  5     <b>experience together, between military and up to</b>  6     <b>that point.</b>  7     Q. Okay. Which jobs would you consider  8     to be manufacturing, heavy machinery or assembly?  9     <b>A. All of them.</b>  10    Q. All of them?  11    <b>A. Yes.</b>  12    Q. You've been handed what's been marked  13    as Exhibit 4. Is that your second application for  14    employment at AK Steel?  15    <b>A. I'm not sure about the date.</b>  16    Q. Is that your handwriting?  17    <b>A. It looks like my handwriting, but I'm</b>  18    <b>not sure about the date.</b>  19    Q. Why would you -- is there a reason --  20    why would you write a different date?  21    <b>A. Thinking. I'm not sure about this</b>  22    <b>date. I'm going to be honest. I thought for sure</b>  23    <b>I applied again, but I don't think it was in '01.</b>  24    <b>I thought it was in '02.</b></p>

<p style="text-align: right;"><b>Page 38</b></p> <p>1 Q. This is your handwriting, correct?</p> <p>2 MS. DONAHUE: Look all the way through</p> <p>3 the document at all the handwriting.</p> <p>4 <b>A. Not all of it, no.</b></p> <p>5 Q. What handwriting is not yours?</p> <p>6 <b>A. Some of these numbers.</b></p> <p>7 Q. Okay. Go through it and tell me what</p> <p>8 is not yours.</p> <p>9 MS. DONAHUE: Look on the first page.</p> <p>10 <b>A. These phone numbers, alternate numbers</b></p> <p>11 <b>written down.</b></p> <p>12 Q. Wait. Now let's go through it so we</p> <p>13 make sure.</p> <p>14 <b>A. Okay.</b></p> <p>15 Q. You're looking under Social Security</p> <p>16 Number, it says "alternate" --</p> <p>17 <b>A. Yeah.</b></p> <p>18 Q. -- and "278-9549." You're saying</p> <p>19 that's not your handwriting?</p> <p>20 <b>A. That's not my handwriting.</b></p> <p>21 Q. Okay. Is there anything else on the</p> <p>22 first page that is not your handwriting?</p> <p>23 <b>A. No.</b></p> <p>24 Q. Okay. Let's look at the second page.</p>	<p style="text-align: right;"><b>Page 40</b></p> <p>1 West Second Street, Suite 1910 --</p> <p>2 <b>A. That's my --</b></p> <p>3 Q. Okay.</p> <p>4 <b>A. -- handwriting.</b></p> <p>5 Q. And then Dayton, Ohio 45402?</p> <p>6 <b>A. 45402 is not -- Dayton, Ohio 45402.</b></p> <p>7 <b>Now, with Fisher Products, phone number there,</b></p> <p>8 <b>937-294-4117, the address 3100 Valleywood Drive,</b></p> <p>9 <b>Dayton -- Kettering, Ohio 45429.</b></p> <p>10 Q. That all is not your address -- not</p> <p>11 your handwriting?</p> <p>12 <b>A. That's not my handwriting --</b></p> <p>13 Q. Okay.</p> <p>14 <b>A. -- no.</b></p> <p>15 Q. Anything else on this page?</p> <p>16 <b>A. No.</b></p> <p>17 Q. Okay. And the last page, is there</p> <p>18 anything on the last page not your handwriting?</p> <p>19 <b>A. The name at the bottom, Jessica Hicks</b></p> <p>20 <b>9/18/01.</b></p> <p>21 Q. Right.</p> <p>22 <b>A. That's about it.</b></p> <p>23 Q. Okay. Everything else is your</p> <p>24 handwriting?</p>
<p style="text-align: right;"><b>Page 39</b></p> <p>1 Is there anything on the second page that is not</p> <p>2 your handwriting?</p> <p>3 <b>A. No.</b></p> <p>4 Q. And the third page, is there anything</p> <p>5 on the third page that's not your handwriting?</p> <p>6 <b>A. At the top where it says 6/01, Looking</b></p> <p>7 <b>for employment with security.</b></p> <p>8 Q. Okay. That's not your handwriting?</p> <p>9 <b>A. No, it's not.</b></p> <p>10 Q. Okay.</p> <p>11 <b>A. The number 937-278-2651, Finishing</b></p> <p>12 <b>Systems, that's not my handwriting.</b></p> <p>13 Q. Okay.</p> <p>14 <b>A. The Dayton, Ohio under the PCU</b></p> <p>15 <b>Technical Service part of the address where it says</b></p> <p>16 <b>Dayton, Ohio. The -- where it says next previous</b></p> <p>17 <b>position, next down CBS, Dayton, Ohio, that phone</b></p> <p>18 <b>number there.</b></p> <p>19 Q. The 937-222 --</p> <p>20 <b>A. 222-2525.</b></p> <p>21 Q. Okay.</p> <p>22 <b>A. Part of the address of CBS, 130 West</b></p> <p>23 <b>Second Street, the Dayton, Ohio 45402.</b></p> <p>24 Q. So the address for -- the address, 130</p>	<p style="text-align: right;"><b>Page 41</b></p> <p>1 <b>A. I would assume so.</b></p> <p>2 Q. Your signature on the last page?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. Okay. Now, for Fisher Products, you</p> <p>5 wrote that you were laid off?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. That was a job you were terminated</p> <p>8 from, correct?</p> <p>9 <b>A. That was the job I was terminated</b></p> <p>10 <b>from, yes. Reason being is because they give me --</b></p> <p>11 <b>they gave me two days off. And they were</b></p> <p>12 <b>contemplating laying me off and putting me in a</b></p> <p>13 <b>different job. And when I came back, I worked for</b></p> <p>14 <b>like a week, and then they terminated me.</b></p> <p>15 Q. Did -- at the top, I know you told me</p> <p>16 that 6/01, looking for employment with security,</p> <p>17 that's on the third page at the top, that is not</p> <p>18 your handwriting?</p> <p>19 <b>A. No, it's not.</b></p> <p>20 Q. Did you tell anyone at AK Steel that</p> <p>21 after June 2001, you were looking for employment</p> <p>22 with security?</p> <p>23 <b>A. Not that I can remember.</b></p> <p>24 Q. Okay. Were you ever looking for</p>

<p style="text-align: right;">Page 42</p> <p>1 employment with security?</p> <p>2 <b>A. Yes, I was.</b></p> <p>3 Q. Okay. When was that?</p> <p>4 <b>A. When I applied at AK Steel.</b></p> <p>5 Q. Okay. Were you looking for employment</p> <p>6 with AK Steel security or another company?</p> <p>7 <b>A. No, no, no. Not security as a</b></p> <p>8 <b>security guard, no. Security as in job security --</b></p> <p>9 Q. Okay.</p> <p>10 <b>A. -- something with longevity --</b></p> <p>11 Q. Okay.</p> <p>12 <b>A. -- because I was told by my bishop and</b></p> <p>13 <b>Andre Walker that AK Steel, if you could get into</b></p> <p>14 <b>AK Steel, that you would have a good job for a long</b></p> <p>15 <b>time. And they had been there for a long period of</b></p> <p>16 <b>time. The only thing that was told to me was that</b></p> <p>17 <b>it was very difficult for blacks to get in.</b></p> <p>18 Q. Who told you that?</p> <p>19 <b>A. Deacon Andre Walker. He said it had</b></p> <p>20 <b>been very difficult. He's from Middletown.</b></p> <p>21 Q. And did he work at AK?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Okay.</p> <p>24 <b>A. Mm-hmm.</b></p>	<p style="text-align: right;">Page 44</p> <p>1 <b>A. I guess I was trying to say from my</b></p> <p>2 <b>knowledge that I was looking for some type of</b></p> <p>3 <b>electronics job, not -- I guess I'm -- I guess I'm</b></p> <p>4 <b>being general when I'm saying that.</b></p> <p>5 <b>What I mean from the types of jobs</b></p> <p>6 <b>I've worked, technical jobs, field services,</b></p> <p>7 <b>electronics, customer services, Motoman had what</b></p> <p>8 <b>they call a war room. It was a customer service</b></p> <p>9 <b>room where you were -- was a trouble -- phone</b></p> <p>10 <b>troubleshooter and you actually went out and set up</b></p> <p>11 <b>their issue on the floor and troubleshoot it</b></p> <p>12 <b>yourself and try to bring solutions to whatever</b></p> <p>13 <b>problem they were having. If not, you went out as</b></p> <p>14 <b>a field service instead.</b></p> <p>15 <b>Maybe in the lines of that, but not</b></p> <p>16 <b>nothing where I'd be selling anything or -- and</b></p> <p>17 <b>then on top of that, I wasn't for sure what was all</b></p> <p>18 <b>involved production-wise. So I just labeled it</b></p> <p>19 <b>electronics. That was mainly what I had done. I</b></p> <p>20 <b>hadn't really done nothing, I guess, to say</b></p> <p>21 <b>laborious in that while I was just a laborer.</b></p> <p>22 Q. Okay. You've been handed what's been</p> <p>23 marked as Exhibit 5. Is that a copy of the</p> <p>24 applicant survey that you completed in connection</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Is he still a deacon?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. What church is that?</p> <p>4 <b>A. Living Water.</b></p> <p>5 Q. To your knowledge, is that still his</p> <p>6 phone number?</p> <p>7 <b>A. Yes, to my knowledge.</b></p> <p>8 Q. Did he say why it was difficult for</p> <p>9 blacks to get it?</p> <p>10 <b>A. He didn't say why. He just said that</b></p> <p>11 <b>from his experiences there, he had never saw many</b></p> <p>12 <b>blacks get hired into AK Steel.</b></p> <p>13 Q. Was he involved in the hiring process</p> <p>14 at all?</p> <p>15 <b>A. Not to my knowledge.</b></p> <p>16 Q. Who is Mike Huff?</p> <p>17 <b>A. Mike Huff? Mike Huff was -- if I'm</b></p> <p>18 <b>not mistaken, he was a supervisor at Heidelberg.</b></p> <p>19 Q. On this application, you state you're</p> <p>20 applying for electronic services?</p> <p>21 <b>A. Electronic assembler.</b></p> <p>22 Q. Top of page -- the last page.</p> <p>23 <b>A. Wow. That's what it says, but --</b></p> <p>24 Q. What is electronic services?</p>	<p style="text-align: right;">Page 45</p> <p>1 with this second application?</p> <p>2 <b>A. Now, you said it was the second</b></p> <p>3 <b>application was 9/7/01.</b></p> <p>4 Q. I'm just reading the dates that you</p> <p>5 wrote, sir. This applicant survey looks to have an</p> <p>6 underclosed nine, 9/7/01 date as well?</p> <p>7 <b>A. Oh, okay. I see what you're saying,</b></p> <p>8 <b>4/7/01. I know that wasn't right. Yes.</b></p> <p>9 Q. That's your handwriting?</p> <p>10 <b>A. Mm-hmm.</b></p> <p>11 Q. Did someone at AK Steel call you to</p> <p>12 come in and take the pre-employment exam?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Do you know who that was?</p> <p>15 <b>A. Jessica Hicks.</b></p> <p>16 Q. What did she tell you?</p> <p>17 <b>A. I don't remember what she told me, but</b></p> <p>18 <b>I know that from a general standpoint, it was just</b></p> <p>19 <b>that she wanted me to come in and she wanted to go</b></p> <p>20 <b>over some of my -- some of what the job was about</b></p> <p>21 <b>and let me talk to one of the supervisors.</b></p> <p>22 Q. Okay. Did you take that -- an exam</p> <p>23 first?</p> <p>24 <b>A. No, I talked to the supervisor</b></p>

<p style="text-align: right;">Page 46</p> <p>1 first --</p> <p>2 Q. Okay.</p> <p>3 A. -- and then I went to the exam</p> <p>4 afterwards.</p> <p>5 Q. So prior to talking to your</p> <p>6 supervisor, you had not taken the pre-employment</p> <p>7 exam?</p> <p>8 A. Not that I know of. I'm not sure</p> <p>9 about the order, but I think I talked to him first.</p> <p>10 Q. Do you know who the supervisor was?</p> <p>11 A. No, I don't remember his name.</p> <p>12 Q. Was Jessica Hicks there for that, that</p> <p>13 meeting?</p> <p>14 A. I don't remember.</p> <p>15 Q. And then you say you took an exam?</p> <p>16 A. Yes.</p> <p>17 Q. You found the test easy?</p> <p>18 A. Yeah, I didn't find it too difficult.</p> <p>19 Q. Okay. Did you pass that exam?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay.</p> <p>22 A. I don't think that the tests was -- I</p> <p>23 don't think it was -- how do I say -- it wasn't --</p> <p>24 it wasn't a test that I thought was for the job I</p>	<p style="text-align: right;">Page 48</p> <p>1 some course work in problem solving and some</p> <p>2 industrial type of course work. That's all I can</p> <p>3 remember from the conversation.</p> <p>4 Q. Okay. You know he did talk about</p> <p>5 course work and --</p> <p>6 A. Yeah, he talked about a few courses</p> <p>7 that, like I said, just mainly industrial and maybe</p> <p>8 some problem solving --</p> <p>9 Q. Okay.</p> <p>10 A. -- because of the relay logic.</p> <p>11 Q. Did you talk to him about your course</p> <p>12 work?</p> <p>13 A. I don't remember, but I -- all I know</p> <p>14 is that when I talked to Jessica sometime later,</p> <p>15 she asked me for a copy of my transcripts. And I</p> <p>16 drove them down there to her and give them to her.</p> <p>17 And she called me back and said that there was one</p> <p>18 class that I was missing, and I can't remember what</p> <p>19 class she said it was.</p> <p>20 Matter of fact, she didn't even make</p> <p>21 it clear to me because I was asking her what --</p> <p>22 what was it that I was missing. And she said she</p> <p>23 wasn't sure. And she said that they -- I'm not</p> <p>24 sure who "they" were, maybe the supervisor, had</p>
<p style="text-align: right;">Page 47</p> <p>1 was applying for, according to the supervisor.</p> <p>2 That's what I'm trying to say.</p> <p>3 He told me that the machines that I</p> <p>4 worked on -- would be working on were old relay</p> <p>5 logic, very old. And that they were dinosaurs in</p> <p>6 comparison to what was being used now.</p> <p>7 Q. What type of job was he looking at</p> <p>8 hiring you for?</p> <p>9 A. It was a maintenance job.</p> <p>10 Q. It was or wasn't?</p> <p>11 A. It was a maintenance job. I'm just</p> <p>12 not sure. He gave me -- he gave me some different</p> <p>13 names for, I guess, different departments in</p> <p>14 maintenance. And I'm not sure which ones he was</p> <p>15 really looking at. But the one that he was talking</p> <p>16 to me about, he said was more on the technical side</p> <p>17 of things.</p> <p>18 Q. Do you know what the job requirements</p> <p>19 for the job were?</p> <p>20 A. I don't remember what the job</p> <p>21 requirements were.</p> <p>22 Q. Do you know if there were any</p> <p>23 educational requirements for it?</p> <p>24 A. I know he said that you had to have</p>	<p style="text-align: right;">Page 49</p> <p>1 looked over my transcript and felt that I didn't</p> <p>2 have or meet some requirement.</p> <p>3 Q. Okay. When you say you brought the</p> <p>4 transcript, you brought the Sinclair transcript?</p> <p>5 A. I drove it down to her, yes.</p> <p>6 Q. You did not bring your Army</p> <p>7 transcript, correct?</p> <p>8 A. No, I didn't.</p> <p>9 Q. Okay. When Jessica Hicks had this</p> <p>10 conversation with you and told you that you didn't</p> <p>11 meet the course requirements, did she talk to you</p> <p>12 about a job in production?</p> <p>13 A. She asked me.</p> <p>14 Q. If you were interested in a job --</p> <p>15 A. She asked me if I was interested in a</p> <p>16 job in production.</p> <p>17 Q. And what did you say?</p> <p>18 A. I said yes.</p> <p>19 Q. Okay. And what did she say?</p> <p>20 A. She said basically okay, that -- that</p> <p>21 I may be receiving a phone call from --</p> <p>22 Q. A background check?</p> <p>23 A. I think they had a outside -- like</p> <p>24 screening contractor that called, asked you some</p>



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<p>1 questions. They were called Advantage Hire. That</p> <p>2 was who called me.</p> <p>3 Q. Okay. And you received a call from</p> <p>4 Advantage Hire?</p> <p>5 A. Yes, I did.</p> <p>6 Q. And you understood that to be a</p> <p>7 background check?</p> <p>8 A. I didn't understand it to be a</p> <p>9 background check. I know that -- 'cause I</p> <p>10 thought -- I thought that they had already done</p> <p>11 that.</p> <p>12 Q. Okay. Did anyone tell they'd already</p> <p>13 done that?</p> <p>14 A. She told me -- Jessica told me that</p> <p>15 part of it was a background check.</p> <p>16 Q. Okay. Did you ever hear back after</p> <p>17 you heard -- Advantage Hire called you. What did</p> <p>18 they ask you?</p> <p>19 A. She just asked me some questions, as</p> <p>20 far as if I was able to lift a certain amount.</p> <p>21 Basically just seeing if -- if I was a person who</p> <p>22 was physically able to do the job, if I needed</p> <p>23 accommodations, was I able to work rotating shifts,</p> <p>24 weekends, holidays, different things like that.</p>	<p>1 inappropriate because she was working. And I know</p> <p>2 she has other business to deal with besides me</p> <p>3 rushing at her, I want a job. But I never did</p> <p>4 receive any phone calls from her.</p> <p>5 Q. She never called you back?</p> <p>6 A. No. The funny thing about it is I</p> <p>7 actually know Jessica Hicks, not as a friend. But</p> <p>8 I'd applied at Miller Brewery in Trenton, Ohio.</p> <p>9 And she worked in HR there.</p> <p>10 So I was already familiar with her and</p> <p>11 she seemed to be very, very nice young lady. So</p> <p>12 I -- I kind of couldn't understand it. And in my</p> <p>13 mind, I took that as an opportunity to kind of</p> <p>14 avoid me because she wasn't like that at Miller.</p> <p>15 I called. I talked to her numerous</p> <p>16 times at Miller when I had applied there. And so</p> <p>17 when I called at AK and I wasn't getting any</p> <p>18 answers, I was leaving messages, but no call backs,</p> <p>19 I just wondered if -- you know, maybe something was</p> <p>20 wrong.</p> <p>21 Q. Let me try to pin down a little bit.</p> <p>22 You had -- how many interviews did you have at AK</p> <p>23 Steel?</p> <p>24 A. There was one interview, and then</p>
Page 51	Page 53
<p>1 From -- I asked her -- I remember</p> <p>2 asking her, I said, how am I looking in the</p> <p>3 process? And she said everything that I see so far</p> <p>4 and from what we've talked about, she said is fine</p> <p>5 and --</p> <p>6 Q. Let me stop you. Is this Jessica</p> <p>7 Hicks or is this Advantage Hire?</p> <p>8 A. This is Advantage Hire, okay? And she</p> <p>9 said you should be okay for this job. And she said</p> <p>10 that she would turn everything in, I guess, to the</p> <p>11 right people. And I said okay. And she said that</p> <p>12 they would be giving me a call after they went</p> <p>13 through everything again.</p> <p>14 Q. Okay. And did you ever receive</p> <p>15 another call?</p> <p>16 A. No, I didn't.</p> <p>17 Q. Did you ever contact AK Steel again?</p> <p>18 A. Yes. Matter of fact --</p> <p>19 Q. When was that?</p> <p>20 A. Be after my first interview with the</p> <p>21 supervisor, I -- I called Jessica almost every</p> <p>22 other day to no avail. I could never get her. I</p> <p>23 left her messages. I called and called. I didn't</p> <p>24 want to drive down. I felt like that was</p>	<p>1 there was a meeting that they had in the basement</p> <p>2 with this -- God, I can't remember what this</p> <p>3 meeting was for.</p> <p>4 Q. Was it a test?</p> <p>5 A. No, I don't think it was a test. I</p> <p>6 think it was an overview. Wait a minute. Yes, it</p> <p>7 was a test. Wow, thank you. It was a test.</p> <p>8 Q. Was that before or after the</p> <p>9 interview?</p> <p>10 A. That, I think -- now, I'm not sure</p> <p>11 about that. I think it was after my first</p> <p>12 interview. I think that was for a production set</p> <p>13 up, for a production job.</p> <p>14 Q. The test you took in the basement?</p> <p>15 A. The test I took in the basement, yes.</p> <p>16 Q. And that was at AK Steel?</p> <p>17 A. Yes. And that was -- that was right</p> <p>18 there where the HR department was.</p> <p>19 Q. Okay.</p> <p>20 A. And I think -- I think I got the call</p> <p>21 from Advantage after that.</p> <p>22 Q. After you took the test?</p> <p>23 A. I think it was after that test and the</p> <p>24 lady told me that everything had looked fine 'cause</p>



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<p>1 I asked her where I was in the process. And after 2 that, I didn't get another phone call.</p> <p>3 Q. Never heard anything else back from AK 4 after that?</p> <p>5 A. No. I called and called.</p> <p>6 Q. You never talked to anyone, though?</p> <p>7 A. I never got to talk to anyone.</p> <p>8 Q. Okay.</p> <p>9 A. And then one -- one time I called -- I 10 think I -- I recant that. I did talk to Jessica, 11 maybe once or twice, but it was -- it was very 12 short conversation and she said, listen. I have 13 some other business I have to -- I'll call you 14 back. And I said okay. And I never got a call 15 from her. I'd wait a couple days and I'd call her 16 back.</p> <p>17 The last phone call that I remember 18 that I can recall getting from her was a phone call 19 and I said -- you know, I'm just calling to see 20 what's going on. I said I haven't heard anything 21 and I was just wondering if -- you know, I said if 22 I didn't meet the criteria, if something -- and she 23 told me -- she said -- what did she say? She said, 24 well, what you may need to do is go down and fill</p>	<p>1 Q. Are you thinking you applied three 2 times or are you thinking you applied two times?</p> <p>3 A. Now I'm not sure --</p> <p>4 Q. Okay.</p> <p>5 A. -- because I -- man, I --</p> <p>6 Q. Let me ask you this. Every time you 7 applied, did you apply at the bureau of 8 unemployment services, the same building?</p> <p>9 A. I -- you know what? I'm not sure 10 because I went to -- there was another place that 11 was in a parking lot of a -- of a -- like a 12 little -- like a little center, like a little -- I 13 don't know, sort of like a -- where I live, they 14 have a little shopping center with a K-Mart, 15 Blockbuster, Walgreen's, and then they have a 16 little job services thing.</p> <p>17 And I went there for a job and I'm not 18 sure if it was AK or not. I know -- I know I 19 applied at one time and I -- after I put in for 20 that, I never did receive another call again.</p> <p>21 Q. Okay. And you're thinking this is 22 after you talked to Jessica?</p> <p>23 A. It -- I think that was after I talked 24 to Jessica --</p>
Page 55	Page 57
<p>1 out another application.</p> <p>2 And I -- and my thinking was that, 3 okay. Maybe it was because I filled out this 4 application for a certain type of job and since 5 that didn't go through, in order for me to get a 6 different job, I had to go fill out another 7 application. That was just my thing. I -- I 8 didn't know.</p> <p>9 I -- no matter how I feel, I always 10 try to give any -- everybody the benefit of the 11 doubt. And I thought, okay. Maybe there was some 12 issues, you know. I mean, I see some 13 inconsistencies in my own writing there.</p> <p>14 So I know I'm not going to lie about 15 that. So I thought, well, maybe -- you know, 16 something is wrong. Well, I go down, I apply 17 again. And I went down and I actually applied 18 again. But I thought that I applied -- I thought 19 that that was after 2002.</p> <p>20 Q. Okay. Do you think you applied 21 another time?</p> <p>22 A. I think that I applied another time. 23 I'm not -- I'm not sure. I could -- I'm going 24 to --</p>	<p>1 Q. Okay.</p> <p>2 A. -- 'cause I know I applied again 3 'cause she told me to.</p> <p>4 Q. You never heard anything back?</p> <p>5 A. No, ma'am. I never heard.</p> <p>6 Q. Do you know whether anyone at AK Steel 7 ever saw that application?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. When you had your interview, 10 did you only interview one time at AK Steel?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Did it go well?</p> <p>13 A. I thought it went really well. Me and 14 the supervisor, we -- we got along really good, 15 which I was kind of nervous because I didn't know 16 what he expected. But after he talked to me, and I 17 began to talk back to him, it seemed like he 18 relaxed more than I did.</p> <p>19 And -- and he said -- he said, man, 20 I'd -- you know, I'd like to bring you aboard. We 21 got some people who may be retiring and some 22 different things like that. And we're trying to 23 bring some folks in that may be able to do this 24 type of work. Go ahead.</p>

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1 Q. Did he say or do anything that you  
2 found offensive or racially hostile or --

3 A. No, he didn't.

4 Q. Did Jessica Hicks ever do or say  
5 anything that you found offensive or --

6 A. Yes.

7 Q. -- racially hostile? What was that?

8 A. She didn't return my calls. And when  
9 I did get ahold of her, she was really short with  
10 me and just -- I mean, she was just really short  
11 with me and cut me off a lot.

12 MS. DONAHUE: Let him finish. Finish  
13 your answer.

14 A. I guess I was just bothered because I  
15 could never, ever reach her. And I guess looking  
16 for closure, as far as, hey, did I get the job or  
17 not? If I didn't -- because right then I was  
18 unemployed.

19 So being unemployed during that time,  
20 my wife was working. It was -- it was kind of  
21 rough. So I was trying my best to get -- wherever  
22 I could get in.

23 Q. Okay. Would -- other than not  
24 returning your calls and being short with you when

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1 you did call and reached her, when she explained  
2 that she had other things going on, anything else  
3 that Jessica Hicks did that you found to be  
4 offensive or racially hostile?

5 MS. DONAHUE: Object to the format,  
6 mischaracterizes his testimony.

7 Q. You can still answer the question.

8 A. Did she -- repeat that for me, please.

9 Q. Sure. Other than -- I believe you  
10 answered -- and please correct me if I'm wrong.  
11 But I believe you answered that what you found to  
12 be racially hostile or offensive by Jessica Hicks  
13 was that she did not return your phone calls and  
14 when you did get ahold of her, she was short in  
15 reference that she had other business to do.

16 Was there anything else that she did  
17 that you found to be racially offensive or hostile  
18 or discriminatory?

19 A. I thought that after having gone  
20 through the application process and -- and doing  
21 all I did, talking with the supervisor, I thought  
22 that the coming out, as far as bringing in my  
23 transcripts and things like that, I thought that  
24 that was a bit much because I felt at the time that

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1 I was qualified to do the work and from -- I can't  
2 remember his name now. But there was another young  
3 gentleman who was applying for a job, too. And he  
4 was a young, white gentleman. And I thought he was  
5 a pretty okay guy.

6 And when we came out of AK Steel, he  
7 had told me -- he said, man, I don't think I passed  
8 that test. And I said -- I said, I honestly -- I  
9 said, I don't think I did bad at all. I said -- I  
10 said but we'll know 'cause you can think one way  
11 and find out, hey, you didn't.

12 And after -- when I was on my way  
13 there with my transcripts, I saw this young  
14 gentleman at the gas station. Got a brand new car.  
15 And he asked me -- he said -- he said, I remember  
16 you. He said, I was looking for you. He said, I  
17 was wondering why you weren't in orientation.  
18 Where you working at?

19 And I was like, well, I'm still trying  
20 to get a job. And I said I'm not sure what's going  
21 on. He said -- he said, really? And I said, well,  
22 yeah. He said -- well, he said they called me just  
23 a couple days later. He said and I been working  
24 there now for -- I forgot approximately how long he

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1 had said.

2 And I said, well -- I said, I'm  
3 getting ready to take care of my transcripts, I  
4 said. And he said, well, they didn't ask me for  
5 none of that stuff. And I was like -- I was like,  
6 well, maybe -- you know, maybe they need to go a  
7 little further with me or something.

8 And he said, well, they shouldn't.  
9 And I said, well, you don't know. I said, but I'm  
10 going to take them to her anyway.

11 Q. Okay.

12 A. And he said, man -- he said, I don't  
13 think that's right. He said you need to be more  
14 aware of what's going on. And so I said, well, I'm  
15 going to do this because I told her I would.

16 I drove them down there, I gave them  
17 to her and she said she would be in contact with  
18 me. I never did hear from her. I called her back.

19 Q. I think you told me earlier that she  
20 called back and said you didn't have a course that  
21 you needed?

22 A. Yeah. I -- when I gave her -- after I  
23 gave her the transcript the first time, she said  
24 she would contact me. And she said I'll contact

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1 **you in a couple days. She didn't. I called her**  
 2 **back and I didn't get any answer. Then she called**  
 3 **me back --**  
 4 Q. Okay.  
 5 A. -- and she said, hey, you were one or  
 6 **two classes short on some things and that was it.**  
 7 Q. How many times did you take your  
 8 transcripts, once?  
 9 A. **I took her the transcript one time.**  
 10 Q. And after that, she did contact you  
 11 back and let you know that --  
 12 A. **She --**  
 13 Q. Let me finish my question, please.  
 14 She did contact you back, whether it  
 15 was in response to a call from you or not, but she  
 16 did call you back and tell you that you were  
 17 missing some courses that were required for the  
 18 electronics position you were looking for?  
 19 A. **Yes, she did.**  
 20 Q. Okay. Now, let's -- was there  
 21 anything else than what you've already described to  
 22 me now, that Jessica Hicks did that you thought was  
 23 racially offensive, hostile, discriminatory,  
 24 whatever?

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1 A. **As far as me being a black person, no,**  
 2 **not personally.**  
 3 Q. Okay.  
 4 A. **She didn't call me a name or anything**  
 5 **like that.**  
 6 Q. Okay. And she never said anything  
 7 that was racially discriminatory or racially  
 8 hostile?  
 9 A. **No.**  
 10 Q. Okay. Let's go back to this gentleman  
 11 that you said you met when you were applying at AK  
 12 Steel. Did you meet him when you took the test  
 13 down in the basement?  
 14 A. **He was there when -- he was there both**  
 15 **times.**  
 16 Q. What are "both times"?  
 17 A. **He was there when -- when I took the**  
 18 **first test and he was there when we took the second**  
 19 **test.**  
 20 Q. Okay.  
 21 A. **Now, I'm not sure if he actually took**  
 22 **that first test or not because I was gone. But he**  
 23 **was in HR with me for the same interview.**  
 24 Q. Okay. Let me back up. You said you

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1 weren't sure if he took the first test with you or  
 2 not?  
 3 A. **I wasn't sure if he took the -- that**  
 4 **first test was a technical test. But he was there**  
 5 **with me for this interview for the same job, and**  
 6 **then he was there when they had the meeting**  
 7 **downstairs for the production deal.**  
 8 Q. Okay. Did he -- when you say he was  
 9 there with you for the interview, did he interview  
 10 with you?  
 11 A. **No, but he applied for the same job.**  
 12 Q. Okay. How do you know that?  
 13 A. **Because he told me.**  
 14 Q. What did he tell you he was applying  
 15 for?  
 16 A. **He told me he was applying for**  
 17 **maintenance.**  
 18 Q. Okay. Did he tell you he was looking  
 19 for any kind of electronics job?  
 20 A. **Yes.**  
 21 Q. What did he say about that?  
 22 A. **He said that he was looking for a**  
 23 **technical job.**  
 24 Q. He said "technical"?

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1 A. **He said "technical."**  
 2 Q. He didn't say "electronics"?  
 3 A. **He didn't say "electronics."**  
 4 Q. Okay. And do you know who he  
 5 interviewed with?  
 6 A. **I don't -- I mean, I would say Jessica**  
 7 **in HR.**  
 8 Q. Do you know?  
 9 A. **I'm not sure.**  
 10 Q. Okay.  
 11 A. **I interviewed, and when I came out,**  
 12 **then he went in.**  
 13 Q. Okay. Do you know his name?  
 14 A. **No, I don't.**  
 15 Q. Did you ever know his name?  
 16 A. **That's the horrible part.**  
 17 Q. No, you did not?  
 18 A. **No --**  
 19 Q. Okay.  
 20 A. **-- I did not know his name.**  
 21 Q. Did -- when you say he was there when  
 22 you interviewed, and then you say he was there when  
 23 you took the production test?  
 24 A. **Yes, he was --**

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1 Q. And that he --  
 2 **A. -- in that group.**  
 3 Q. Okay. That was a test taken in the  
 4 basement?  
 5 **A. Yes.**  
 6 Q. And that was the test for general  
 7 production?  
 8 **A. That was the test for general**  
 9 **production.**  
 10 Q. Okay. And it was sometime after that  
 11 test?  
 12 **A. Yeah, it was after that, that when**  
 13 **I --**  
 14 Q. That you saw him --  
 15 **A. -- when I had my transcript.**  
 16 MS. PRYOR: She can't take us both  
 17 talking.  
 18 THE WITNESS: I'm sorry.  
 19 Q. It was sometime after you took that  
 20 production test and after you had interviewed that  
 21 you saw him at the gas station, correct?  
 22 **A. Yes, that was when I saw him, when I**  
 23 **was -- when I had -- when she said she needed my**  
 24 **transcript, I told her that I would go get it and**

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1 **bring it to her. And I had to stop and get gas.**  
 2 **And I had about \$10. That's when I saw him and he**  
 3 **remembered me. I actually didn't remember him.**  
 4 Q. Okay. And you said that you took the  
 5 production test after you were told that the  
 6 electronics test would not work out, you would be  
 7 interested in a production position, correct?  
 8 **A. No, I don't think I said that.**  
 9 Q. Okay. Well, when did you take the  
 10 production -- I thought -- and please correct me if  
 11 I'm wrong. But I thought you told me you  
 12 interviewed, you brought in transcripts. Jessica  
 13 told you you're missing some courses.  
 14 **A. No, I didn't.**  
 15 Q. Would you be interested in a  
 16 production position?  
 17 **A. No, I didn't, no.**  
 18 Q. Okay.  
 19 **A. Sorry.**  
 20 Q. Let me ask you this. When she told  
 21 you you're missing some courses for the electronics  
 22 position, she did not tell you, are you interested  
 23 in a production position at that time?  
 24 **A. No, she talked to me before that.**

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1 Q. When did she ask you if you were  
 2 interested in a production position?  
 3 **A. When I had -- when I was calling her**  
 4 **and she wasn't returning my phone calls, finally I**  
 5 **got her on the telephone and --**  
 6 Q. Let me stop you first right there, so  
 7 we can get some time frame here.  
 8 **A. Okay.**  
 9 Q. Had you already interviewed at that  
 10 point?  
 11 **A. Yes, I had already interviewed for the**  
 12 **maintenance position.**  
 13 Q. Okay. Had you brought in your  
 14 transcript yet?  
 15 **A. No, I hadn't.**  
 16 Q. Okay. Go ahead.  
 17 **A. And when we talked, finally when I got**  
 18 **hold of her and we talked, she asked me, would I be**  
 19 **interested in a production position.**  
 20 Q. She did not tell you at that time that  
 21 the electronics position was not going to work out  
 22 for you?  
 23 **A. She had not told me that. Let me see**  
 24 **here. Let me make sure because I know for a**

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1 **fact -- well, I ain't going to say for a fact,**  
 2 **either.**  
 3 **But what I am going to say is she**  
 4 **asked me about the production job before she ever**  
 5 **gave me a clear -- on the maintenance job.**  
 6 Q. Okay. I don't think that's what you  
 7 testified to earlier, but that's fine. It's fine.  
 8 Do -- okay.  
 9 How many conversations did you have  
 10 with Jessica Hicks on the telephone?  
 11 **A. I'm not sure, but it was only a few.**  
 12 Q. Only a few?  
 13 **A. Yes.**  
 14 Q. So she did respond to you on the  
 15 telephone?  
 16 **A. A few times, yes, she did --**  
 17 Q. Okay.  
 18 **A. -- yes.**  
 19 Q. Okay. In one of those calls, she  
 20 asked you about whether you'd be interested in a  
 21 production job?  
 22 **A. Yes.**  
 23 Q. Okay. One of those calls, you're not  
 24 sure when, she told you that you didn't have the

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1 qualifications for the electronics position?

2 MS. DONAHUE: Object to the form,  
3 mischaracterizes his testimony.

4 Q. You were missing a few courses or --

5 A. **No, this was after she got my**  
6 **transcript that she said I was missing a few**  
7 **courses.**

8 Q. Was it a telephone call?

9 A. **Yes, she called me.**

10 Q. Okay. She called you?

11 A. **Yes.**

12 Q. Okay. What other phone calls did you  
13 have with her?

14 A. **Oh, no. Just a second. I'm sorry.**  
15 **I'm sorry. She didn't call me. I called her and I**  
16 **asked her, how was everything going. She said the**  
17 **problem is you're missing a few courses on your**  
18 **transcript for this maintenance job.**

19 Q. Okay.

20 A. **But she had asked me about a**  
21 **production job before that. That's why I was still**  
22 **inquiring about both positions. I would have taken**  
23 **anything they offered me because what I was told**  
24 **was that if you got a job there, you would make**

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1 **good money.**

2 **So if I couldn't have the one job --**  
3 **if it seemed that I wasn't going to get that job, I**  
4 **would have accepted just about anything.**

5 Q. When she told you that you were  
6 missing a few courses for the electronics job, did  
7 she -- did you ask them, what about the production  
8 job?

9 A. **No I didn't ask her that.**

10 Q. Did you talk about the production job  
11 at all in that conversation?

12 A. **I didn't.**

13 Q. Okay. Did she talk about it at all in  
14 that --

15 A. **No.**

16 Q. Okay. So you just ended it like that,  
17 okay. I'm missing some courses?

18 A. **I asked her, what did I need to do?**  
19 **She said that if I went back and did some more**  
20 **course work, I could reapply in a year or so.**

21 Q. Okay. Anything else in that  
22 conversation? Is that "no"?

23 A. **No, no, there wasn't anything in**  
24 **that --**

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1 Q. Did you talk to Jessica Hicks after  
2 that conversation when she told you you didn't have  
3 the right course work? Did you talk to her again?

4 A. **No, I didn't.**

5 Q. And do you know whether you took this  
6 production test that you took down in the basement,  
7 do you know when you took that?

8 A. **(Witness nodded.)**

9 Q. Is that a "no"?

10 A. **I don't know. No, I don't know.**

11 Q. Did you only take it one time?

12 A. **Yeah, it was only one time.**

13 Q. Do you know when you took -- did you  
14 say you took another test for the electronics  
15 position?

16 A. **Yes, there was a different test for**  
17 **that.**

18 Q. Okay. Do you know when you took that  
19 test?

20 A. **No, I don't, but it was -- it was on**  
21 **the day of that interview.**

22 Q. Okay.

23 A. **I took the test and talked to the**  
24 **supervisor --**

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1 Q. Okay.

2 A. **-- and --**

3 Q. Did anyone else take that test with  
4 you?

5 A. **I can't say they did --**

6 Q. Okay.

7 A. **-- 'cause no one else was in the room.**  
8 **I was in the room by myself.**

9 Q. Okay. And as far as you know, no?

10 A. **As far as I know, no, there wasn't.**

11 MS. PRYOR: Okay. Do you need a  
12 break?

13 (Off the record: 10:32 a.m. - 10:40 a.m.)

14 MS. DONAHUE: Before you start again,  
15 Patty, I would just like to make an objection  
16 because I think previously you made a suggestion  
17 that Mr. Miller has been inconsistent in his  
18 testimony regarding whether he was dealing with the  
19 production job after he became clear on the  
20 maintenance job. I don't think he's been  
21 inconsistent. But the record will speak for  
22 itself. But I just want to be clear about that. I  
23 just didn't like the suggestion.

24 MS. PRYOR: Okay, fine. We ready?



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<p>1 MS. DONAHUE: Yes, we're on. We're on</p> <p>2 the record.</p> <p>3 MS. DONAHUE: And I think Mr. Miller</p> <p>4 wanted to add something to his testimony.</p> <p>5 THE WITNESS: Yes, I did. If I -- one</p> <p>6 thing, this writing right here --</p> <p>7 Q. Can you tell me what exhibit you're</p> <p>8 looking at?</p> <p>9 A. It's exhibit -- is it five? The</p> <p>10 applicant survey, I don't know what that numerology</p> <p>11 is where it says "PCU." I guess number --</p> <p>12 Q. Is that your handwriting?</p> <p>13 A. That's not my handwriting. That top,</p> <p>14 however that is, that isn't -- that's not my</p> <p>15 handwriting.</p> <p>16 Q. Okay. What should it say there?</p> <p>17 A. I don't know what it should say,</p> <p>18 but --</p> <p>19 Q. How long did you --</p> <p>20 A. I don't know what it says.</p> <p>21 Q. How long did you work at PCU?</p> <p>22 A. I -- I can't recall offhand.</p> <p>23 Q. Okay.</p> <p>24 A. I really can't recall.</p>	<p>1 made the statement about I need to see your</p> <p>2 transcripts, which led me to believe there was</p> <p>3 some -- still some life left, as far as the</p> <p>4 maintenance jobs. That's why I brought them into</p> <p>5 her. She said, well, let's see some of your course</p> <p>6 work.</p> <p>7 Q. And that was in your same conversation</p> <p>8 you hadn't passed the skill test?</p> <p>9 A. I think that was in the same</p> <p>10 conversation --</p> <p>11 Q. Okay.</p> <p>12 A. -- if I'm not mistaken.</p> <p>13 Q. Some chance transcripts might help</p> <p>14 you --</p> <p>15 A. The transcripts --</p> <p>16 Q. Let me finish my question, please.</p> <p>17 Your understanding was the transcripts would help</p> <p>18 you get into the skilled position anyway?</p> <p>19 A. No. I just felt like that maybe they</p> <p>20 might go a different route of some sort by looking</p> <p>21 at my transcript, but I didn't know what route.</p> <p>22 Q. Okay. She didn't tell you what route?</p> <p>23 A. No. To me, if you fail a test, you</p> <p>24 don't get the job. That's the way I think.</p>
Page 75	Page 77
<p>1 Q. Okay.</p> <p>2 A. One other thing I wanted to add, too,</p> <p>3 was from the technical test that I took, when I</p> <p>4 interviewed with Jessica and the supervisor</p> <p>5 gentleman, she also told me that I didn't pass that</p> <p>6 test.</p> <p>7 That was one of the reasons why I</p> <p>8 didn't -- it kind of swayed my belief, as far as me</p> <p>9 getting that job --</p> <p>10 Q. When did she tell you --</p> <p>11 A. -- because she told me I didn't pass</p> <p>12 the test.</p> <p>13 Q. When did she tell you that you didn't</p> <p>14 pass that test?</p> <p>15 A. Let me see. Was it -- it was -- I</p> <p>16 think it was like the second time that I talked to</p> <p>17 her, but it was before I brought my transcripts.</p> <p>18 Q. You think it was before you brought</p> <p>19 your transcript?</p> <p>20 A. It was before I brought my transcript,</p> <p>21 that's why when she asked me about the production</p> <p>22 job I said okay. Because if I hadn't passed that</p> <p>23 test -- I mean, I felt like I was hanging on by a</p> <p>24 thread at that time. But then she made the -- she</p>	<p>1 Q. And she had -- she didn't tell you why</p> <p>2 she wanted the transcripts?</p> <p>3 A. He said he -- she wanted to look at</p> <p>4 some of my course work.</p> <p>5 Q. Would it be fair to say --</p> <p>6 A. I'm not --</p> <p>7 Q. -- everything happened --</p> <p>8 A. Yes, you're right.</p> <p>9 Q. Okay.</p> <p>10 A. I'm not clear about dates and times.</p> <p>11 I just remember some statements made in</p> <p>12 conversation.</p> <p>13 Q. Okay. And you're not exactly sure</p> <p>14 about sequence of events, are you?</p> <p>15 MS. DONAHUE: Object to the form. It</p> <p>16 mischaracterizes his testimony.</p> <p>17 MS. PRYOR: It's a question.</p> <p>18 A. As far as dates and time, I'm not sure</p> <p>19 of sequence and conversations. I haven't thought</p> <p>20 about this in years, but once I sit down and think</p> <p>21 about it, I wrote this entire deal on my computer.</p> <p>22 Q. Okay. Where is that at?</p> <p>23 A. It's on one -- one of my disks.</p> <p>24 Q. Let's find that because that would</p>



<p style="text-align: right;">Page 78</p> <p>1 definitely need to be produced. I'm sure it was  2 requested in 2000.  3 Do you have any notes or documents --  4 <b>A. No.</b>  5 Q. -- that would jog your memory?  6 <b>A. I think that was -- was when I think</b>  7 <b>that was maybe like the statement you had to Mike,</b>  8 <b>as far as as best you can recall what had happened,</b>  9 <b>what had transpired</b>  10 MS. DONAHUE: If these are things he  11 produced for his attorney, then it'll be --  12 Q. Is that something that would refresh  13 your memory?  14 <b>A. I'm sure it would.</b>  15 MS. PRYOR: I think, then, if it's  16 something to be used to refresh his memory, if he's  17 not going to look at it -- if it's privileged, we  18 don't need it.  19 Q. Do you have any other notes or  20 documents you would have -- I mean, other than this  21 computer?  22 <b>A. (Witness nodded.)</b>  23 Q. What else?  24 <b>A. No, there was nothing else on this</b></p>	<p style="text-align: right;">Page 80</p> <p>1 <b>and then I culminated them all together, summarize</b>  2 <b>them.</b>  3 Q. You said you wrote things on  4 envelopes, back of --  5 <b>A. Yes, on envelopes and things like</b>  6 <b>that, yeah.</b>  7 Q. My husband does that, too. When did  8 you do that, at the time of the events?  9 <b>A. No, that was sometime afterwards.</b>  10 Q. Okay. Why did you write it on  11 different pieces of paper?  12 <b>A. Well, when things jar my memory and I</b>  13 <b>say, okay. I think that was right about then, I</b>  14 <b>write it down. And then I culminate it -- try to</b>  15 <b>culminate it all together, once I thought I had my</b>  16 <b>process, my thoughts right.</b>  17 Q. Okay. And when did you start the  18 process of writing things down?  19 <b>A. I don't remember.</b>  20 Q. Okay. And was that at your own  21 decision, to start writing things down?  22 <b>A. No, it wasn't my own decision. After</b>  23 <b>I was -- after I talked with my attorneys, they</b>  24 <b>were telling me -- you know, to try to remember --</b></p>
<p style="text-align: right;">Page 79</p> <p>1 <b>disk.</b>  2 Q. Okay.  3 MS. DONAHUE: Just a second. I want  4 to just object to that. There's no exception to  5 the privilege if he refreshes his memory. So  6 that's not --  7 MS. PRYOR: We can fight about that if  8 you're going to use it. If his memory is going to  9 be refreshed by that, then we --  10 MS. DONAHUE: No. There's no  11 exception for refreshing his memory, so we'll go  12 ahead. We'll see. We'll talk about what --  13 Q. Is there anything else that would  14 refresh your memory?  15 <b>A. This meeting here.</b>  16 Q. What did you create that disk for?  17 <b>A. I didn't -- I didn't create the disk.</b>  18 <b>I just -- when I wrote it, I was -- I think I was</b>  19 <b>asked by the attorneys --</b>  20 Q. Okay.  21 <b>A. -- to try and recall what I could</b>  22 <b>recall. And what I did was I wrote a bunch of</b>  23 <b>notes on paper everywhere, on back of envelopes of</b>  24 <b>things that I felt were may be pertinent, and --</b></p>	<p style="text-align: right;">Page 81</p> <p>1 <b>you know, things that I did.</b>  2 Q. Okay. Was this months after these  3 events happened?  4 <b>A. I'm not sure.</b>  5 Q. Okay. Could it have been years after  6 the events happened?  7 <b>A. No.</b>  8 Q. Okay.  9 <b>A. It was -- it was no not long after we</b>  10 <b>got involved --</b>  11 Q. What do you mean?  12 <b>A. -- with the attorneys and the whole</b>  13 <b>process.</b>  14 Q. When did you get involved with the  15 attorneys?  16 <b>A. I don't remember. I don't remember</b>  17 <b>when it came about.</b>  18 Q. Did you get involved with the  19 attorneys shortly before you filed an EEOC charge?  20 <b>A. I'm sorry I'm taking so long here.</b>  21 <b>I'm just trying to think. Ask me the question</b>  22 <b>again, would you please?</b>  23 Q. When did you get involved with the  24 attorneys?</p>

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1 **A. Was that the question you asked me?**  
 2 Q. I believe it was.  
 3 MS. DONAHUE: I don't think so.  
 4 THE WITNESS: I don't think that was  
 5 what you asked me.  
 6 Q. All right. Well, let me start here.  
 7 When did you get involved with the attorneys?  
 8 We'll just deal with that question.  
 9 **A. Well, that one, I wasn't sure about**  
 10 **when you asked me.**  
 11 Q. You don't have any idea?  
 12 **A. I'm -- I'm not for sure of the exact**  
 13 **date, no.**  
 14 Q. Did you get involved with them shortly  
 15 before you filed the EEOC charge?  
 16 **A. I'm not sure if I did or not.**  
 17 Q. Did you get involved with them before  
 18 you applied the last time at AK Steel?  
 19 **A. No, I didn't.**  
 20 Q. Okay. Do you know why you were not  
 21 hired at AK Steel?  
 22 **A. No, I don't.**  
 23 Q. Did anyone at AK Steel ever say  
 24 anything else that we haven't already talked about

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1 today about your application?  
 2 **A. No, they never said anything else.**  
 3 **Like I say, I've never received a call or a -- any**  
 4 **letter or anything.**  
 5 Q. Do you know whether white applicants  
 6 who are not hired receive a call or a letter?  
 7 **A. I don't know. I base my decision on**  
 8 **everywhere else that I've applied since then. And**  
 9 **I haven't gotten every job I've applied for, but**  
 10 **they have either sent the little card or even when**  
 11 **I've called, they've made the statement that we had**  
 12 **some people that were more qualified than you. And**  
 13 **I've accepted that as being closure for me.**  
 14 Q. But you don't know of anyone at AK  
 15 Steel who's received a call or a phone call -- or a  
 16 call, phone call or a letter when they're not  
 17 hired?  
 18 **A. No, I don't.**  
 19 Q. Okay. Do -- and I assume, then, from  
 20 your answer that no one at AK Steel ever said  
 21 anything to you about why you were not hired?  
 22 **A. Not -- not specifically, no.**  
 23 Q. Generally, did they?  
 24 **A. Generally it's probably more along the**

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1 lines of what I think because I probably assumed  
 2 some things.  
 3 Q. What did you assume?  
 4 **A. I assumed that when she said I didn't**  
 5 **have the courses and that I did not pass the test,**  
 6 **that that pretty much laid the foundation that job**  
 7 **is not going to happen for me.**  
 8 **The only thing I could even**  
 9 **contemplate then was if I was even going to get a**  
 10 **production job.**  
 11 Q. Now, we already talked about what  
 12 Jessica Hicks did or didn't do. Was there anyone  
 13 else at AK Steel that ever said or did anything  
 14 that you believe was racially hostile, offensive or  
 15 discriminatory?  
 16 **A. No, they didn't. I never talked to**  
 17 **anyone else at AK Steel, so that opportunity never**  
 18 **presented itself.**  
 19 Q. Have you ever heard from anyone else  
 20 that anyone at AK Steel ever did or said anything  
 21 that was racially hostile, offensive or  
 22 discriminatory?  
 23 MS. DONAHUE: Object to the form,  
 24 insofar as "discriminatory" is the legal

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1 conclusion.  
 2 **A. I'm just going to say that the people**  
 3 **that -- that I'm in this ordeal with --**  
 4 Q. What have they said?  
 5 **A. They felt like -- that according to**  
 6 **racial boundaries, that AK was unfair to them.**  
 7 Q. Say anything else?  
 8 **A. Basically most of the things that I**  
 9 **have heard were common to my own, that they applied**  
 10 **for AK, they were turned down for reasons unknown**  
 11 **and some were never even contacted after applying.**  
 12 Q. How do you know the other plaintiffs?  
 13 **A. Through association here.**  
 14 Q. Through the attorneys?  
 15 **A. No, I know them through the attorneys.**  
 16 **I'm -- I'm from Dayton. I'm not from Middletown.**  
 17 Q. Did you know any of the plaintiffs  
 18 before this lawsuit?  
 19 **A. There was one gentleman. I can't**  
 20 **remember his name now. Allen.**  
 21 Q. Allen Roberts?  
 22 **A. Allen Roberts. Allen Roberts went to**  
 23 **church with me.**  
 24 Q. What did he say?

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1 A. When he had -- he had heard that I  
2 applied at AK Steel, he had came and talked to me.  
3 And he had basically just asked me what was the  
4 process that I used, did I apply at Middletown and  
5 I just kind of gave him my story there.

6 Q. And what --

7 A. And after I give (sic) him my story, I  
8 told him that I was thinking about maybe pursuing  
9 something further. I wasn't for sure yet. I  
10 didn't know what -- what I actually had to -- if  
11 any, to fight with. I didn't know.

12 And that's when he introduced me. He  
13 said, well, maybe I have some people that you  
14 might -- can talk to, just as a -- you know, just  
15 talk to them and if they feel like you may have  
16 something, maybe they can take it from there. I  
17 didn't even know he was involved to that extent.

18 Q. And he introduced you to the lawyers,  
19 then?

20 A. Yes.

21 Q. Okay. And at the time, Allen Roberts  
22 was an employee at AK Steel?

23 A. I'm not sure if he was or not.

24 Q. Do you know him other than that

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1 conversation?

2 A. Just that he went to church with me.

3 Q. Have you told me all of the reasons or  
4 evidence why you think you were not hired because  
5 of your race?

6 A. All that I can recall, yes, I have.

7 Q. Is there anything else that would help  
8 you recall more?

9 A. This form has helped me recall a lot.  
10 I'm not sure what else may work.

11 Q. What form are you talking about?

12 A. This forum --

13 Q. Oh.

14 A. -- this form that we have here has  
15 helped me recall a lot of things. Being honest,  
16 from my memory, I just can't remember.

17 Q. Sure.

18 A. And that was -- that was -- this was  
19 helpful.

20 Q. Did you keep copies of any of your  
21 applications?

22 A. You know, I didn't even make copies of  
23 them.

24 Q. Did you have any other -- other than

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1 your applications to AK Steel, were there any other  
2 written communications between you and AK Steel?

3 A. As in did they write me or did I write  
4 them or --

5 Q. Either one.

6 A. Either one? I'm not sure.

7 Q. You don't know?

8 A. Not that I don't know. I'm not sure.

9 I've written letters to companies, but I'm not sure  
10 if I wrote them one or not.

11 Q. Would you have copies of those if you  
12 did?

13 A. If I did, I probably would have kept a  
14 copy, but I don't -- I don't think I did.

15 Q. Have you looked for documents related  
16 to your claims against AK Steel?

17 A. Documents such as?

18 Q. Notes, applications, communications,  
19 letters, whatever.

20 A. What I have done is I've collected up  
21 the things that my attorneys have asked me to do.  
22 Mostly everything that they've asked me for has  
23 been -- I guess what I would deem to be pertinent  
24 information. And for me, if they're asking me for

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1 that, I guess what I'm saying is I'm not going to  
2 go look for anything that's not pertinent. And the  
3 only pertinent things that -- that I was asked by  
4 attorneys, that's what they have.

5 Q. Have you looked for correspondence  
6 between you and AK Steel?

7 A. No, I haven't.

8 Q. Okay. Have you looked for notes? Did  
9 you take any notes at the time of any of these  
10 events?

11 A. During the hiring process?

12 Q. Mm-hmm.

13 A. No, I didn't take any notes.

14 Q. Did you make any notes before you got  
15 attorneys involved?

16 A. See here. I think that at the time, I  
17 just had everything that went on in my mind, I  
18 don't think I kept a diary or anything. At that  
19 point in time, I -- I was swimming in debt. And I  
20 was trying to -- you know, get a job and keep my  
21 car and keep my house and take care of my wife.

22 So sometimes if situations arise,  
23 they're so many other things pressing you that you  
24 may not -- you may not fully be able to indulge

<p style="text-align: right;">Page 90</p> <p>1 yourself into just focusing on that one thing and  2 trying to figure out if somebody was unfair or  3 unjust.  4 It's one thing to understand that that  5 may be so, and there's another thing to prove it.  6 But then there's one thing to have all that going  7 on and you don't have a house, a car or food to  8 eat.  9 So my main thing became instinctive.  10 I need to eat, live, have a house and a car. So my  11 whole program was to find a job, get to working  12 again. When I met Allen, even then it -- it still  13 took time for me to get my affairs in order. And  14 then I began to focus back on what had happened.  15 Q. I'm not sure if I -- if you answered  16 the question. So is that a "yes" or "no" that you  17 had notes -- that you took notes before you got an  18 attorney involved?  19 MS. DONAHUE: Object to the form,  20 asked and answered.  21 A. Any notes I had before -- like I said,  22 the reason I'm not sure is because I'm not sure  23 when I made up this statement, if it was before I  24 got involved or after --</p>	<p style="text-align: right;">Page 92</p> <p>1 would probably be part of this.  2 MS. PRYOR: Okay. I'm going to ask  3 again, that maybe you ask all of your clients to  4 actually look for the documents --  5 MS. DONAHUE: Mm-hmm.  6 MS. PRYOR: -- we requested in our  7 document requests back in 2002.  8 MS. DONAHUE: (Ms. Donahue nodded.)  9 Q. Your driver's license, I think we've  10 talked about this. It's been suspended at least  11 twice; is that correct?  12 A. Yes.  13 Q. Has it been suspended more than that?  14 A. Not for -- not for anything that was  15 my fault.  16 Q. Has it been suspended more than that?  17 A. It was suspended 'cause they said I  18 didn't file a SR22, but then I wasn't -- Safe Auto  19 either. Safe Auto hadn't -- I guess they hadn't  20 put in the SR22.  21 Q. What's an SR22?  22 A. An SR22 is something that you have to  23 file, so if you're -- if you're driving, you can  24 consistently have to have insurance. If there's</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Is there anything --  2 A. -- so --  3 Q. -- that would tell you whether it was  4 before or after?  5 A. Well, maybe if I have the date on  6 that, that may tell me --  7 Q. Have you --  8 A. -- and then I can find the date. As  9 far as when I actually got involved with the  10 attorneys, I can do a comparison and say, well,  11 "yes" or "no," it was. But I can't make that  12 positive --  13 Q. Did you keep -- you said you wrote  14 notes on scraps on paper.  15 A. No, I didn't.  16 Q. Did you keep any of those? No?  17 A. Tossed them.  18 Q. Have you looked -- since getting  19 involved in this litigation, have you looked for  20 those notes and looked at the date to determine  21 when that was made?  22 A. No, I haven't. The reason why I  23 haven't is because I thought that -- well, after  24 seeing all this, I thought that that statement</p>	<p style="text-align: right;">Page 93</p> <p>1 any lapse or break in that, then that's  2 automatically reported and your license is  3 automatically suspended.  4 After -- I think the first time is  5 like so much time, and then the second time, they  6 get progressive until they'll take your license for  7 life. And so I've had an SR22 on file for years  8 now. And I changed insurance once and they sent me  9 a letter saying that my license was suspended. And  10 I was like, well, there was no lapse. It was a  11 same-day change.  12 And then my insurance sent the SR22,  13 faxed to the Bureau of Motor Vehicles and they  14 claimed that they never got it. So then there I  15 was general. But as soon as I went there to take  16 care of that, it was like reinstated.  17 Q. You've had other times when it was  18 suspended and it was your fault, correct?  19 A. I think twice it was my fault.  20 Q. Okay. You've had a number of speeding  21 violations?  22 A. Yeah, here lately.  23 Q. Even before lately, have you had --  24 A. I'm not sure about that. I know</p>

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1 **lately I have.**  
 2 Q. Had a seat belt violation charge  
 3 before?  
 4 **A. That's not a moving violation.**  
 5 Q. I'm asking a few questions.  
 6 **A. Okay, okay.**  
 7 Q. Have you had --  
 8 **A. I'm sorry.**  
 9 Q. -- a seat belt violation before?  
 10 **A. I'm not sure.**  
 11 Q. Okay. Have you had -- at any point,  
 12 have you ever had up to eight points on your  
 13 license?  
 14 **A. I don't think so.**  
 15 Q. Do you know for sure?  
 16 **A. No, I don't know for sure, but I don't**  
 17 **think so. I think I've had up to six, maybe.**  
 18 Q. Okay. Do you know anyone who's been  
 19 hired by AK Steel with a similar criminal history  
 20 as do you?  
 21 **A. No, because I don't ask about**  
 22 **personal.**  
 23 Q. Do you know anyone who's been hired by  
 24 AK Steel who had a similar driving record as do

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1 you?  
 2 **A. Again, I don't ask personal, so I**  
 3 **don't know.**  
 4 Q. Do you know anyone who's been hired by  
 5 AK Steel who lied on their application?  
 6 **A. Personally, no.**  
 7 Q. You've been handed what's been marked  
 8 as Exhibit 6. Is this the charge that you filed  
 9 with the EEOC?  
 10 MS. DONAHUE: Just read the whole  
 11 thing.  
 12 **A. Now, ask me again what you asked me.**  
 13 **Is this my EEOC statement?**  
 14 Q. Is this your EEOC charge?  
 15 **A. It's my EEOC charge, yes.**  
 16 Q. Is that your signature on the bottom  
 17 of the first page?  
 18 **A. Yes.**  
 19 Q. Is that your signature on the last  
 20 page?  
 21 **A. Yes.**  
 22 Q. And did you file this sometime after  
 23 June 18th, 2002?  
 24 **A. I'm not sure when it was filed, but**

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1 **the date there is correct, June 18th, 2002.**  
 2 Q. How do you know that date's correct?  
 3 **A. Well, it's the day my friend died.**  
 4 Q. Who died?  
 5 **A. It was a friend of mine. His name was**  
 6 **Lorenzo.**  
 7 Q. Was what?  
 8 **A. His name was Lorenzo.**  
 9 Q. Lorenzo?  
 10 **A. Yes.**  
 11 Q. And you signed this document on the  
 12 same day he died?  
 13 **A. Yes.**  
 14 Q. How do you remember that?  
 15 **A. Because that was the day that he got**  
 16 **killed, yes.**  
 17 Q. How did he get killed?  
 18 **A. He was shot.**  
 19 Q. Did you read this statement before you  
 20 signed it?  
 21 **A. Yes.**  
 22 Q. Did you prepare this statement or did  
 23 someone prepare it for you?  
 24 **A. This is what we were talking about**

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1 **earlier.**  
 2 Q. These are your notes?  
 3 **A. Yes.**  
 4 Q. And you made these notes based on  
 5 other scraps of paper that you had accumulated with  
 6 other notes on it?  
 7 **A. Now, say again. I did what now?**  
 8 Q. Did you compile this document, Exhibit  
 9 6, based on the scraps of paper notes that you had  
 10 been creating?  
 11 **A. Yes.**  
 12 Q. Okay.  
 13 **A. This is what we were talking about,**  
 14 **the disk. These are the things that I remember.**  
 15 Q. Did you type this out yourself?  
 16 **A. I mean, I didn't actually type this**  
 17 **actual document, but what -- what I typed on my**  
 18 **computer.**  
 19 Q. Is what?  
 20 **A. This was what I wrote here.**  
 21 Q. Which part is what you wrote?  
 22 **A. It's my statement.**  
 23 Q. Is it all?  
 24 **A. Yep.**



<p style="text-align: right;">Page 98</p> <p>1 Q. You typed it all on your computer?</p> <p>2 A. <b>I don't know if I typed all of this on</b></p> <p>3 <b>my computer.</b></p> <p>4 Q. Well, that's what I'm asking. Which</p> <p>5 part do you remember typing?</p> <p>6 A. <b>I don't remember --</b></p> <p>7 Q. Okay.</p> <p>8 A. <b>-- but I know that my -- this is --</b></p> <p>9 <b>this is all my thoughts --</b></p> <p>10 Q. All the words on here --</p> <p>11 A. <b>-- summarized.</b></p> <p>12 Q. -- are your thoughts?</p> <p>13 MS. DONAHUE: Look at all the words.</p> <p>14 A. <b>The only -- the only parts I can think</b></p> <p>15 <b>of, as far as knowing -- you know, policies and</b></p> <p>16 <b>civil rights acts.</b></p> <p>17 Q. You're looking at page 3? It says</p> <p>18 "Page 3" on the top.</p> <p>19 A. <b>Yes.</b></p> <p>20 Q. Okay.</p> <p>21 A. <b>Civil rights sections and things like</b></p> <p>22 <b>that. I mean, I -- I wouldn't just have those in</b></p> <p>23 <b>my mind.</b></p> <p>24 Q. Did you type anyone else's statement</p>	<p style="text-align: right;">Page 100</p> <p>1 <b>reading, comprehension, basic math and science</b></p> <p>2 <b>Oh, I'm sorry. Forgot you're writing over there.</b></p> <p>3 Q. And then it says about three weeks</p> <p>4 later --</p> <p>5 A. <b>I was called --</b></p> <p>6 Q. -- I was called in to take these field</p> <p>7 tests for technical repair.</p> <p>8 A. <b>Yes.</b></p> <p>9 Q. Did you take the first test first and</p> <p>10 the skilled test second?</p> <p>11 A. <b>I took the skilled test, yes. The</b></p> <p>12 <b>first test was -- was not a production test.</b></p> <p>13 Q. Did you take -- how many tests did you</p> <p>14 take at AK Steel?</p> <p>15 A. <b>Two.</b></p> <p>16 Q. Okay. So you took the first tests,</p> <p>17 and then you were later called in to take a skilled</p> <p>18 test. What was the skilled test for?</p> <p>19 A. <b>The skilled test was for the technical</b></p> <p>20 <b>job, the maintenance, technical job.</b></p> <p>21 Q. And you did not take a subsequent exam</p> <p>22 after that, correct?</p> <p>23 A. <b>I took a test in -- for production.</b></p> <p>24 Q. Okay. So that's three tests by my</p>
<p style="text-align: right;">Page 99</p> <p>1 or anyone else's EEOC charge?</p> <p>2 A. <b>No, I didn't.</b></p> <p>3 Q. Did you ever review anyone else's EEOC</p> <p>4 statement?</p> <p>5 A. <b>No, I didn't.</b></p> <p>6 Q. All right. So are you saying that</p> <p>7 what's in here is true?</p> <p>8 A. <b>To the best of my knowledge, what's in</b></p> <p>9 <b>here is true.</b></p> <p>10 Q. Okay. And where -- in this statement,</p> <p>11 you say that you first took the production test,</p> <p>12 and then took the skilled test at a later date.</p> <p>13 Would that be true or would your testimony today be</p> <p>14 true?</p> <p>15 A. <b>Wait a minute. Say -- say again.</b></p> <p>16 Q. Yeah. In this statement, you say you</p> <p>17 took the production test first, then you came back</p> <p>18 for an interview and took the skilled test. Is</p> <p>19 that true?</p> <p>20 A. <b>No, it doesn't say that here. Page 1,</b></p> <p>21 <b>it says I filled out an application at the Hamilton</b></p> <p>22 <b>Bureau of Employment and took AK Steel qualifying</b></p> <p>23 <b>exam in July 2001. The first part was a general</b></p> <p>24 <b>aptitude test, logic and common sense questions,</b></p>	<p style="text-align: right;">Page 101</p> <p>1 count, then. How many tests did you take at AK</p> <p>2 Steel?</p> <p>3 A. <b>There was --</b></p> <p>4 Q. Let me ask you this. Would your</p> <p>5 memory be better then or would your memory be</p> <p>6 better now?</p> <p>7 A. <b>I would say my memory would be better</b></p> <p>8 <b>then.</b></p> <p>9 Q. When you completed this charge?</p> <p>10 A. <b>When I completed this charge, yes --</b></p> <p>11 Q. And you only --</p> <p>12 A. <b>-- 'cause I'm -- I'm sorry. Go ahead.</b></p> <p>13 Q. You only took two tests at AK Steel,</p> <p>14 correct?</p> <p>15 A. <b>I only took two tests.</b></p> <p>16 Q. Okay.</p> <p>17 A. <b>That's right.</b></p> <p>18 MS. DONAHUE: Did you finish your</p> <p>19 answer before she interrupted?</p> <p>20 A. <b>It actually -- it actually is turned</b></p> <p>21 <b>around. So this is -- this is -- this is right. I</b></p> <p>22 <b>came in, I took the first test. Then they called</b></p> <p>23 <b>me back for the technical test. I'm sorry.</b></p> <p>24 Q. That's okay.</p>



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1 A. Wow, this -- like I said, this is  
 2 helpful. I took a test with a group, and then they  
 3 called me back. Then I came in, took the skilled  
 4 test. I was thinking I took this test at the  
 5 bureau of employment services. Not so. It was --  
 6 it was turned around. This is right.  
 7 Q. You took the test at AK Steel?  
 8 A. I took -- yeah. The first test was  
 9 under there and there is like the basement area.  
 10 We took a test, then I was called back and took the  
 11 skill test. That's right. That's right.  
 12 Q. Okay.  
 13 A. That's right. I was wrong.  
 14 Q. That's okay. And just to be clear,  
 15 here you've got that you took this in July 2001.  
 16 You claim that you applied in late June 2001.  
 17 Having looked at the applications we looked at  
 18 today, do you know whether that June, July dates,  
 19 were those wrong?  
 20 A. Those dates probably was wrong.  
 21 Q. It was probably these?  
 22 A. It probably -- yeah, yeah, 'cause I  
 23 wasn't for sure again. I was --  
 24 Q. And you only applied -- what did you

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1 say, two times?  
 2 A. Yeah, I only applied two times, but --  
 3 but it -- I applied in 2002.  
 4 Q. After --  
 5 A. Yes.  
 6 Q. -- Jessica Hicks told you to?  
 7 A. I had applied in 2002, but when I  
 8 applied, I think that when I applied, I didn't go  
 9 to the Hamilton bureau the second time. I -- or  
 10 that third time. I went to this -- there was a  
 11 place in a shopping center and there was a line of  
 12 people in there. And I went in there and you went  
 13 in and you signed up, and then there was some kind  
 14 of card or something, I think, that they gave you.  
 15 And then that was it.  
 16 And then they said if you get a -- if  
 17 you get a call, then they'll start the application  
 18 process. So it wasn't an actual application. It  
 19 was just I went and signed up to be potentially --  
 20 a potential application candidate.  
 21 Q. Okay. And was that at the Dayton  
 22 unemployment --  
 23 A. No, that was down in Middletown, too.  
 24 Q. That was down in Middletown?

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1 A. Yeah, everything I did was in  
 2 Middletown.  
 3 Q. What was it again, a bureau of  
 4 unemployment services office of some sort?  
 5 A. Of some sort. It had to be.  
 6 Q. Okay. And the -- so you feel like you  
 7 kind of signed up?  
 8 A. Yeah, you -- they had you where you  
 9 signed up, and then there was like a little card  
 10 that they gave you that you had signed up and  
 11 whatnot. And they said if we call you, then what  
 12 you'll do is go and fill out an application and I  
 13 never did get the call.  
 14 Q. Did you understand where that sign-in  
 15 list was going to go to?  
 16 A. No, I didn't.  
 17 Q. Okay. And just to be clear, the  
 18 interview that you had, that was with both Jessica  
 19 Hicks and the technical repair department  
 20 supervisor?  
 21 A. Yes, it was.  
 22 Q. Okay. And nowhere in this charge do  
 23 you write anything about this having to come back  
 24 after all of this and turning in your --

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1 A. College.  
 2 Q. Thank you. -- transcript, correct?  
 3 A. Correct.  
 4 Q. Okay. And nowhere in here is it --  
 5 this conversation you allegedly had with the guy at  
 6 the gas station, correct?  
 7 A. No, you're -- you're right. And I  
 8 think the reason why I didn't write that in there  
 9 is because I don't have a name or -- I mean, if I'm  
 10 sitting on the other side, I'm thinking -- you  
 11 know, he's just making this up. This -- this is a  
 12 fictional character.  
 13 I didn't have his name, where he  
 14 lived, you know. He just had a -- got a job. I  
 15 don't want to jeopardize anything with him, so --  
 16 Q. Where was the interview at, was that  
 17 at HR?  
 18 A. It was in HR. That's what the term  
 19 is, HR department.  
 20 Q. All right. And you never heard  
 21 anything back from AK Steel in any fashion or form  
 22 after you went in and signed your name the third  
 23 time?  
 24 A. No, I -- I didn't hear anything after

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1 that.

2 Q. Okay. You've been handed what's been  
3 marked as Exhibit 6. No, seven. Sorry. Is that  
4 a -- did you receive that?

5 A. Yes, I did receive this.

6 Q. Have you ever seen a psychologist or a  
7 counselor?

8 A. I had to -- I went and talked to my  
9 pastor.

10 Q. About what?

11 A. I just talked to him about some of the  
12 pressures I was feeling.

13 Q. What pressures were those?

14 A. Well, I was just real stressed out  
15 from the ordeal.

16 Q. What ordeal we talking about?

17 A. With the application process, I was  
18 stressed out. I was upset about how the process  
19 went on. I was upset about the communication  
20 breakdown between me and Jessica. I was upset that  
21 I didn't get the production job.

22 Q. When did you talk to him?

23 A. Boy, this was -- this was some years  
24 back, right -- it wasn't -- it was actually before

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1 I had actually started talking to the attorneys.

2 Q. What's your pastor's name?

3 A. Well, his name is Bishop Samuel  
4 Johnson, Senior.

5 Q. Is he still there?

6 A. Yes. They built a new building, but  
7 they're still in Dayton. I'm no longer with that  
8 church.

9 Q. Okay. How many times did you talk to  
10 him about AK Steel?

11 A. I -- I don't know. I didn't -- I  
12 didn't -- the conversation after that was more  
13 along the lines of -- for me, it was -- it was  
14 personal, as far as individual -- how do I recover  
15 from stress and things from a spiritual standpoint  
16 through prayer, fasting, things like that.

17 I really didn't think that my behavior  
18 commanded such that I talk to a psychology -- a  
19 psychologist because they actually -- I mean, they  
20 study behavior, but I didn't think that my behavior  
21 was so out of whack that I needed a psychologist,  
22 but I was more stressed and needed a -- some  
23 closure, as far as what I could do as an  
24 individual. Go ahead.

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1 Q. So how many times did you talk to him?

2 A. I don't recall. It was -- it was a  
3 few times that I've talked to him, yes.

4 Q. Have you talked to him on any other  
5 occasion about other stressors in your life?

6 A. Yes, I have.

7 Q. And what were those?

8 A. Well, I was chosen to become a  
9 minister and I had a lot of -- how do you say  
10 rebelliousness. I didn't want to do it because, to  
11 me, hell is a real place. And I don't feel, like  
12 most people do, that's -- for all that I've done  
13 and been through in my life, I didn't feel like I  
14 was fit for that.

15 And he was trying to explain to me  
16 the -- how God calls people and who he uses. And  
17 he used illustrations, such as -- you know, David,  
18 who took another man's life and -- and how most of  
19 the men in the bible who were called by God as an  
20 elect were men that were not whom society would  
21 deem should be a minister or a pastor or anything.  
22 And I had a great deal of hardship trying to accept  
23 that because I felt like it was like a one-way  
24 ticket to hell for me.

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1 Q. Have you ever -- have you become a  
2 minister?

3 A. Yes, I have, eight years.

4 Q. Have you ever talked to anyone else?  
5 Have you talked to anyone about any other stressors  
6 in your life?

7 A. Marriage, talk to him about marriage.  
8 This is my third marriage. Really wanted to make  
9 it work. Two years seemed like bad luck for me  
10 everywhere around. I just wanted to -- he's been  
11 married for I think 30 years. So wanted to get  
12 information from him, as far as how do you make it  
13 last, what do you do.

14 Q. Any other --

15 A. Just in general, every day life and  
16 being the best Christian I can. That's about it.

17 Q. Have you talked to any other counselor  
18 or psychologist or therapist?

19 A. No, I haven't.

20 Q. Okay. Have you ever taken any  
21 medication for depression or your emotions or your  
22 nerves?

23 A. No, I haven't.

24 Q. Who is Ella Moreland?

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1 A. Ellen Moreland? Ellen Moreland? That  
 2 name sounds familiar, but I -- it doesn't spark a  
 3 memory.  
 4 Q. You listed her as a witness.  
 5 A. Ellen Moreland.  
 6 MS. DONAHUE: Is it Ella or Ellen?  
 7 MS. PRYOR: It's Ella, but I'll check.  
 8 Ella Moreland, M-O-R-E-L-A-N-D, Heidelberg Web  
 9 Systems.  
 10 A. Ella Moreland, I don't know her. Wait  
 11 a minute. Ella Moreland was a supervisor at  
 12 Heidelberg.  
 13 Q. And why do you think she has knowledge  
 14 about your claims or can support --  
 15 A. She doesn't.  
 16 Q. So she's not someone who's going to  
 17 support you in your claims here?  
 18 MS. DONAHUE: Object to the form.  
 19 That's not what he said.  
 20 A. I don't think she knows anything about  
 21 this.  
 22 Q. Okay. Do you know why you listed her?  
 23 A. I don't remember why I would list her,  
 24 but I don't -- I never -- I don't remember ever

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1 telling her anything about AK Steel, to my  
 2 knowledge, not ever. She was just a supervisor  
 3 that I know.  
 4 Q. Okay.  
 5 A. She went to church.  
 6 Q. Went to your church?  
 7 A. No, she went to another church but she  
 8 was always inviting me to their church and she  
 9 wrote me a -- she wrote me -- I think it was her  
 10 that wrote me a statement, as far as work was  
 11 concerned to get a better job.  
 12 Q. What work?  
 13 A. When I -- when I went from -- from  
 14 Heidelberg, I went to Dole Fresh vegetables in  
 15 Springfield. And I asked her for a letter of --  
 16 Q. Reference?  
 17 A. -- reference, yes.  
 18 Q. And she gave you one?  
 19 A. And she gave me one.  
 20 Q. Do you have a copy of that?  
 21 A. No.  
 22 Q. Did you ask her for one when you went  
 23 to AK to apply?  
 24 A. I don't know when I asked her for

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1 that, but she only wrote me one.  
 2 Q. And you no longer have a copy of that?  
 3 A. (Witness nodded.)  
 4 Q. No?  
 5 A. I don't think so.  
 6 Q. Have you looked for it?  
 7 A. I have not looked for it.  
 8 Q. And I think you testified earlier you  
 9 have a resume?  
 10 A. Yes, I have a resume.  
 11 Q. Have you ever gotten any other letters  
 12 of recommendation other than the one from Ella  
 13 Moreland?  
 14 A. I got one recently from Dole from a  
 15 supervisor. She left shortly after -- I can't  
 16 remember her name, either. But I'm sure I have a  
 17 copy of that.  
 18 Q. Do you have any documents related to  
 19 your EEOC charge other than what we've looked at  
 20 today?  
 21 A. No, ma'am.  
 22 Q. Workforce reduction notification from  
 23 Heidelberg Web Systems?  
 24 A. Yeah, that was the layoff in June.

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1 Q. Do you have a document?  
 2 A. I think I got that at home, yes.  
 3 Q. Okay. Have you looked for that and  
 4 produced it?  
 5 A. I have not looked for that.  
 6 MS. PRYOR: Those are all things that  
 7 were disclosed in the initial disclosures and we  
 8 would like copies still.  
 9 THE WITNESS: I thought you were  
 10 talking about for this form here. I'm sure my  
 11 attorneys have that stuff. I understand --  
 12 MS. PRYOR: We don't and we need them.  
 13 THE WITNESS: Oh, I'm sorry. I'm  
 14 sorry. Okay.  
 15 Q. Okay. Do you have any other witnesses  
 16 or other individuals who would support your claims?  
 17 A. I'm not sure I understand what you --  
 18 what you mean by that.  
 19 Q. It's -- let's break it down a little  
 20 bit. Is there anyone who knows about your  
 21 applications to AK Steel other than the individuals  
 22 we've mentioned today?  
 23 A. I think my sister in Texas knows that  
 24 I had applied there, but she doesn't know any

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1 **specific details, just that I had applied there.**

2 Q. Does she know you're filing suit  
3 against them?

4 A. **I would say she does.**

5 Q. Okay.

6 A. **I probably have talked to her about  
7 it, yes.**

8 Q. What's her name?

9 A. **Elisha Miller Ore. I think she's on  
10 my interrogatory.**

11 Q. Okay.

12 A. **I think she's the only person I put  
13 down there. If I didn't, she should be.**

14 Q. What does she know, just what you told  
15 her?

16 A. **She just knows that I've talked to her  
17 about it in conversation, yes.**

18 Q. She's not listed. What's her phone  
19 number?

20 A. **(210) 633-7025.**

21 Q. Is there anyone else who knows about  
22 your applications at AK Steel?

23 A. **Not to my knowledge, no.**

24 Q. Is there anyone else that has

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1 knowledge about why you were not hired?

2 A. **Not to my knowledge, no.**

3 Q. Is there anyone else with any kind of  
4 knowledge related to your claims?

5 A. **Just -- I mean, just as far as there  
6 are people that's in this lawsuit and my -- the  
7 pastor that I told you about, that's it.**

8 Q. The pastor, his knowledge is limited  
9 to what you told him?

10 A. **His knowledge is limited to what I've  
11 talked to him about, yes.**

12 Q. The other individual plaintiff in this  
13 lawsuit, do they know anything other than what  
14 you've told them about your particular claims?

15 A. **Yeah, just what I've told them.**

16 Q. Do you have the e-mail addresses of  
17 either of the plaintiffs in this lawsuit?

18 A. **No, I don't.**

19 Q. Have you ever had communications with  
20 the other plaintiffs in this lawsuit, outside the  
21 presence of counsel?

22 A. **Besides Allen Roberts, no.**

23 Q. And you described the conversation you  
24 had with Allen Roberts?

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1 A. **Yes.**

2 Q. Have you had any others with him?

3 A. **No, just when we all meet together.**

4 Q. Is that with counsel present or  
5 without counsel present?

6 A. **That was with counsel present. And  
7 he's called me to let me know about meeting times  
8 in the past. But I haven't talked to Allen in a  
9 long, long while.**

10 Q. How many meetings have you had?

11 A. **I don't know how many meetings I've  
12 had with the attorneys so far. I have not kept  
13 track of that.**

14 Q. You've been handed what's been marked  
15 as Exhibit 8. Are these your interrogatory  
16 responses?

17 A. **Yes, they are.**

18 Q. Okay. And you've been handed what's  
19 been marked as Exhibit 9.

20 A. **Oh, okay.**

21 Q. Is that your signature verifying the  
22 truthfulness of the interrogatory responses that  
23 are Exhibit 8?

24 A. **Yes, to the best of my knowledge, they**

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1 **are.**

2 Q. Let's go through the interrogatory  
3 responses. You talked about the case that you were  
4 a witness in, your mother's case. Did you actually  
5 witness -- did she stab him?

6 A. **She didn't stab him.**

7 Q. How did she --

8 A. **Where is that at?**

9 Q. How did she do that?

10 MS. DONAHUE: What's the page?

11 MS. PRYOR: It's page 4.

12 MS. DONAHUE: Page 4.

13 THE WITNESS: Okay.

14 Q. How did he die?

15 A. **He died as a result of a laceration.**

16 **He -- he had went after her. They were fighting  
17 and he pulled a gun and they were in the kitchen  
18 and I guess they tussled. She reached over and  
19 grabbed a knife from the kitchen block.**

20 **When she swung around, they -- he had  
21 her, so they both swung around and she cut him down  
22 his shoulder here. And he was really, really  
23 intoxicated, so his blood was really thin. And he  
24 fell to the floor and she tried to -- my mom's a**

<p style="text-align: right;">Page 118</p> <p>1 physical therapist, so she tried to apply first  2 aid, stop him from bleeding, but he bled to death.  3 Q. And were you a witness to any of that?  4 A. No, that was what came out in court.  5 That was what the --  6 Q. Okay.  7 A. -- prosecutors --  8 Q. You were not there, present?  9 A. I wasn't actually present, no.  10 Q. All right. Interrogatory number two,  11 you've answered on some separate sheets in the  12 back. And that is asking for who you've worked for  13 since January 1, 2001. Talked about PCU and  14 Heidelberg.  15 What is Dole Fresh Vegetables? What  16 did you do for them?  17 A. When I first began there, I was a  18 maintenance technician. Dole is what -- well, you  19 got -- Dole is -- it's Dole, Dole Fresh Vegetables.  20 They make the juice, fruit, salad, things like  21 that.  22 Q. Cans and --  23 A. Yeah.  24 Q. Yeah, sure.</p>	<p style="text-align: right;">Page 120</p> <p>1 was in school, certain classes only offered at  2 certain times. And I was trying to see, just for  3 the 10 weeks, if I could get another shift because  4 we rotated shifts at different times and they done  5 it for other people.  6 Q. Remind me, when did you start at --  7 I'm assuming that this school, meaning Wright  8 State?  9 A. Yes, that's when I was --  10 Q. Okay. When did you start --  11 A. -- going to Wright State.  12 Q. -- up at Wright State.  13 A. I think that was right here when I --  14 okay. Let me do it like this. Before I -- when I  15 got out of high school before I went to the Army, I  16 enrolled at Wright State in the fall.  17 Q. Okay.  18 A. I wasn't doing very well 'cause I was  19 staying out late. I applied to go to the military.  20 Q. How long did --  21 A. So I went there, got out, worked, went  22 to Sinclair, got my associate's. And then all  23 these other things came about. Then went to Dole,  24 and then returned to school in that January of '03.</p>
<p style="text-align: right;">Page 119</p> <p>1 A. And I was a maintenance -- maintenance  2 technician there for an electrical and packaging  3 maintenance.  4 Q. And you made \$700 a week there?  5 A. Yes.  6 Q. Did you ever receive a raise?  7 A. You get -- I think you get like a  8 quarter a year, and then you would get -- I think  9 you got off-shift premium.  10 Q. Did you ever receive a raise? It  11 looks like you only worked there seven months,  12 eight months?  13 A. I just had -- I just had off-shift  14 premiums.  15 Q. And what were the off-shift premiums?  16 A. Well, I'm not sure. I've forgotten.  17 Q. Okay.  18 A. I don't remember.  19 Q. Okay. And it says you left to return  20 to school. Were you fired from there or did you  21 leave voluntarily?  22 A. I actually left voluntarily. I was  23 trying to get on another shift so that I could  24 accommodate my -- I guess coming towards where I</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. So you went to Wright State for awhile  2 after high school. How long did you go?  3 A. Probably about -- let me see. I got  4 '87 -- it was for maybe -- I know it was the fall  5 and the winter. I think come towards summertime --  6 Q. So a year --  7 A. -- about a year 'cause I -- I  8 dropped -- I was like, okay. I was on probation.  9 I said I'm going to have to do something else and I  10 went to the military.  11 Q. And you did not list that education on  12 your application at AK Steel --  13 A. I didn't --  14 Q. -- correct?  15 A. I didn't put that on there. I didn't  16 put that on there.  17 Q. What is OTC Daihen, D-A-I-H-E-N?  18 A. OTC Daihen is a robotics company, a  19 Japanese robotics company. They also build robotic  20 cells and go out and do installs and different  21 things like that.  22 Q. And you worked for them for a couple  23 months between September --  24 A. I worked for them -- yeah, I worked</p>



<p style="text-align: right;">Page 122</p> <p>1 for them for a few months. That was a -- that was</p> <p>2 actually through a company here in Cincinnati</p> <p>3 called -- oh, shoot. It was PC something. Lady,</p> <p>4 like a headhunter, took your resume and put it out</p> <p>5 there. And I got hired in there as a contractor.</p> <p>6 Q. So you were not an employee of them?</p> <p>7 A. I wasn't an actual employee. They had</p> <p>8 the -- they could have hired me if they wanted to,</p> <p>9 but they -- their workload went down. And so all</p> <p>10 of the contractors that potentially they could have</p> <p>11 hired, they let us all go.</p> <p>12 Q. So they did not hire you?</p> <p>13 A. They did not hire me.</p> <p>14 Q. While you were there, you made \$600 a</p> <p>15 week?</p> <p>16 A. I was, yes.</p> <p>17 Q. Did you receive any benefits at Dole?</p> <p>18 A. Yes.</p> <p>19 Q. Health insurance?</p> <p>20 A. Yes.</p> <p>21 Q. Life insurance?</p> <p>22 A. Yes.</p> <p>23 Q. Dental?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Because -- well, I was getting close</p> <p>2 to being finished with school and the supervisor</p> <p>3 there, he had called me and asked me if I wanted to</p> <p>4 come. I stayed in contact with him.</p> <p>5 He called me and asked me if I wanted</p> <p>6 to come back and it was more money. It was closer</p> <p>7 to where I lived, going the other direction. And</p> <p>8 so I left from there and -- and went back. Plus</p> <p>9 that job was temporary, too.</p> <p>10 Q. Okay. So you went to Dole in -- looks</p> <p>11 like May 2005?</p> <p>12 A. Yes.</p> <p>13 Q. And you worked there through November</p> <p>14 2006 --</p> <p>15 A. Mm-hmm.</p> <p>16 Q. -- is that right?</p> <p>17 A. Mm-hmm, yes.</p> <p>18 Q. And you made \$1,950 a week?</p> <p>19 A. Mm-hmm.</p> <p>20 Q. That was every week?</p> <p>21 A. Oh, no. I'm sorry. That's wrong.</p> <p>22 That was bi-weekly. That was every two weeks. I'm</p> <p>23 sorry. A thousand off. I made 1,950 ever two</p> <p>24 weeks, plus a bonus once a year.</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. Do you have any retirement there?</p> <p>2 A. Yes.</p> <p>3 Q. What about Heidelberg, did you receive</p> <p>4 benefits there?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And OTC, did you receive</p> <p>7 benefits there?</p> <p>8 A. No.</p> <p>9 Q. Okay. JBM Envelope, what is that?</p> <p>10 A. That was a company where they did</p> <p>11 printing also. They had printing presses where</p> <p>12 they made books and inserts for paper and things</p> <p>13 like that. I ran a web press and fixed it, too.</p> <p>14 Q. Okay. Your dates of employment are</p> <p>15 accurate here?</p> <p>16 A. Yes, they should be.</p> <p>17 Q. And you were paid 520 a week there?</p> <p>18 A. Yes.</p> <p>19 Q. And why did you leave there? Looks</p> <p>20 like you worked three days. No --</p> <p>21 A. No.</p> <p>22 Q. -- I'm sorry. A year and three days.</p> <p>23 A. Yeah. I went -- I went back to Dole.</p> <p>24 Q. Why did you go back to Dole?</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. And did you receive a bonus?</p> <p>2 A. We didn't get it the first year 'cause</p> <p>3 they said production didn't do what they felt they</p> <p>4 were going to do, so we didn't get it.</p> <p>5 Q. And why -- you had benefits again at</p> <p>6 Dole?</p> <p>7 A. Yes, I had benefits.</p> <p>8 Q. And why did you resign?</p> <p>9 A. I resigned from there. They had built</p> <p>10 a new plant in South Carolina and they were closing</p> <p>11 the Springfield plant. And I wanted to go to the</p> <p>12 Carolina plant, but they didn't have any openings</p> <p>13 for a maintenance supervisor. I didn't want to go</p> <p>14 there and work as a maintenance tech. So I</p> <p>15 explored other options that were closer. I didn't</p> <p>16 want to relocate.</p> <p>17 Q. What were the maintenance techs paid?</p> <p>18 A. The maintenance tech pay was only \$15.</p> <p>19 Q. An hour?</p> <p>20 A. Yes.</p> <p>21 Q. Looks like your next job was Kroger</p> <p>22 Columbus bakery?</p> <p>23 A. Yeah, I worked at Columbus bakery.</p> <p>24 Q. And you received \$800 a week there?</p>



<p style="text-align: right;">Page 126</p> <p>1 A. Yes.</p> <p>2 Q. And did you have benefits?</p> <p>3 A. Did I get benefits? Yeah, I got</p> <p>4 benefits there.</p> <p>5 Q. Health insurance?</p> <p>6 A. Yes.</p> <p>7 Q. Dental?</p> <p>8 A. Yes. Yeah, they were union. We had</p> <p>9 everything --</p> <p>10 Q. Okay.</p> <p>11 A. -- yeah.</p> <p>12 Q. And then -- why did you leave there in</p> <p>13 March '07?</p> <p>14 A. Because finally the place I wanted to</p> <p>15 work, which was the next job, they finally called</p> <p>16 me. I was actually at Kroger's and they -- they</p> <p>17 put me on a three day -- it was a three-day work</p> <p>18 schedule where I worked over the weekends, just</p> <p>19 PM-ing equipment and wanted to go full time, but</p> <p>20 because of union policies, being young in the</p> <p>21 union, you had to work your time to be able to</p> <p>22 apply for a five-day, day shift or any other shift,</p> <p>23 for that matter.</p> <p>24 And so when they called, they had</p>	<p style="text-align: right;">Page 128</p> <p>1 get -- they didn't make me a job offer there. They</p> <p>2 said there was one -- one person that qualified a</p> <p>3 little bit better than I did.</p> <p>4 I applied at -- since 2001, I applied</p> <p>5 at someplace. I can't remember. It's a place in</p> <p>6 Troy I applied at. It's a Japanese company --</p> <p>7 Q. Okay. Any place else?</p> <p>8 A. -- and they didn't need me. Not that</p> <p>9 I can remember.</p> <p>10 Q. Did you work for CBS Personnel</p> <p>11 Services?</p> <p>12 A. Yes. That was awhile back when I</p> <p>13 worked at OEE and Motoman; that was just CBS, yes.</p> <p>14 Q. Okay. Did you work for Premium</p> <p>15 Personnel?</p> <p>16 A. Yes.</p> <p>17 Q. Where was that?</p> <p>18 A. That was a temp agency.</p> <p>19 Q. And what did you do for them?</p> <p>20 A. What did I do for them? I stacked</p> <p>21 cardboard in a -- in a garage at some -- I can't</p> <p>22 remember the name of that place.</p> <p>23 Q. That was in 2004?</p> <p>24 A. I don't remember when it was. Did I</p>
<p style="text-align: right;">Page 127</p> <p>1 offered me the controlled team leader position.</p> <p>2 And that was where I wanted to get back into, the</p> <p>3 management. So I went there. And that's only six</p> <p>4 miles from my house.</p> <p>5 Q. Okay. And you're still there?</p> <p>6 A. Yes, I am. Kroger's is 52 miles one</p> <p>7 way.</p> <p>8 Q. And you made \$1,450 a week?</p> <p>9 A. Yes.</p> <p>10 Q. You have benefits?</p> <p>11 A. Yes, and bonus.</p> <p>12 Q. Okay. Who is Gail Miller, is that</p> <p>13 your wife?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. What does she know about your claims?</p> <p>16 A. Just what me and her talked about.</p> <p>17 Q. She present when you applied any time?</p> <p>18 A. No, she wasn't.</p> <p>19 Q. Have you applied anywhere that you did</p> <p>20 not receive a job offer from in the last -- since</p> <p>21 2001?</p> <p>22 A. Yes, I have.</p> <p>23 Q. And where is that?</p> <p>24 A. I applied at Honda last year. Didn't</p>	<p style="text-align: right;">Page 129</p> <p>1 put that on there?</p> <p>2 Q. No, it's not on here.</p> <p>3 A. Okay. I know I did work for them.</p> <p>4 Q. What about Manpower, Dayton?</p> <p>5 A. Yeah, Manpower was a company that we</p> <p>6 worked through for Heidelberg --</p> <p>7 Q. Okay.</p> <p>8 A. -- when we went back.</p> <p>9 Q. What's Bud's of California?</p> <p>10 A. That's -- well, when you're -- this</p> <p>11 might sound confusing. When you're an hourly for</p> <p>12 Dole, they operate through Bud of California. When</p> <p>13 you become salary, you're actually a Dole employee.</p> <p>14 I don't know how that works, but when</p> <p>15 you get your checks as an hourly, they're -- they</p> <p>16 come from Bud of California. When you get them as</p> <p>17 a salary, you get them from Dole.</p> <p>18 Q. Okay. Have you produced all of your</p> <p>19 tax returns and W-2's?</p> <p>20 A. Yes.</p> <p>21 Q. What is Sutherland's Midwest Lumber?</p> <p>22 A. It's -- Sutherland's is a lumber</p> <p>23 company.</p> <p>24 Q. Did you work there?</p>

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1 A. Yeah, I worked there briefly out in  
2 the yard.  
3 Q. When was that?  
4 A. I don't remember.  
5 Q. Before or after you applied at AK  
6 Steel?  
7 A. It was after.  
8 Q. Why did you leave that position?  
9 A. I don't even remember when it was.  
10 Q. Well, why did you leave?  
11 A. It was just a --  
12 Q. Were you terminated?  
13 A. No, I wasn't terminated. I just left.  
14 I told them I didn't want to do that kind of work.  
15 Q. And did you work for Daimler Chrysler?  
16 A. Yes, I worked for them, too.  
17 Q. When did you do that?  
18 A. That was at the same time that I was  
19 working with Sutherland's.  
20 Q. That was after you applied at AK  
21 Steel?  
22 A. Yeah. Daimler Chrysler, they -- the  
23 guy wanted to put me into the robotics department.  
24 And he tried really hard, but they were union and

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1 he couldn't do it.  
2 And so I had started exploring  
3 opportunities otherwise. I was working at  
4 Sutherland's at the same time 'cause I needed two  
5 jobs. And I can't remember where I went after  
6 that, but I left both those jobs to go to another  
7 job.  
8 Q. And how much did you get paid at those  
9 jobs?  
10 A. I don't know how much I got paid at  
11 Sutherland's. I think at Daimler Chrysler, it was  
12 like 8.50, \$9, I think.  
13 Q. Did you ever work for someplace called  
14 Eisenhart?  
15 A. PMI Eisenhart, I was trying to figure  
16 out who that was. I'm not sure who that is.  
17 Q. You don't know who it is?  
18 A. No, and I didn't have a number to  
19 contact them, but I thought that it was -- at  
20 first, I thought it was the -- the headhunter lady  
21 down here. But I'm not sure -- I'm not sure who  
22 that actually is.  
23 Q. Okay. What about --  
24 A. But I know it was somebody I worked

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1 for.  
2 Q. What about Nebraska Books?  
3 A. Nebraska Books was a -- that was a job  
4 I had while I was in school. It was part of that  
5 work-study --  
6 Q. Was that at Wright State or --  
7 A. Yeah, it was Wright State. Nebraska  
8 Books is their own separate -- but everybody gets  
9 their books there. And sometimes between quarters  
10 or something like that -- first I was volunteering,  
11 then they actually gave me a little job through  
12 work-study to kind of work there to --  
13 Q. Is there any reason why those three or  
14 four employers are not listed on your interrogatory  
15 responses?  
16 A. I -- I don't know. I guess I didn't  
17 think that they were significant.  
18 MS. PRYOR: I have no further  
19 questions.  
20 MS. DONAHUE: Okay. Can you give us  
21 just a minute?  
22 MS. PRYOR: Yeah.  
23 MS. DONAHUE: Thanks.  
24 (Off the record: 11:59 a.m. - 12:02 p.m.)

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1 MS. PRYOR: Ready?  
2 MS. DONAHUE: Oh, yeah, we're ready.  
3 I just have a couple questions.  
4 EXAMINATION  
5 BY MS. DONAHUE:  
6 Q. You testified that Jessica Hicks told  
7 you that you failed one of the tests you took; is  
8 that true?  
9 A. Yes.  
10 Q. Okay. Which test did she tell you  
11 that you had failed?  
12 A. The technical test.  
13 Q. All right. When she told you that,  
14 did you understand why you had failed?  
15 A. No, I didn't. I -- I didn't think  
16 that the test -- I didn't think that the test was  
17 related to what I was applying for, but I didn't  
18 think it was hard enough that I failed it.  
19 Q. So was it your belief that you passed  
20 the test?  
21 A. Yes.  
22 Q. Do you still believe that today?  
23 A. Yes.  
24 Q. Okay. You also testified that she

<p style="text-align: right;"><b>Page 134</b></p> <p>1 asked you for a transcript of the courses that you  2 had taken?  3 <b>A. Yes.</b>  4 Q. Okay. When you talked to her about  5 the courses you'd taken, did you understand which  6 courses they were looking for?  7 <b>A. No, I didn't.</b>  8 Q. Did they tell you which courses you --  9 they were looking for?  10 <b>A. No.</b>  11 Q. Did you believe at the time that there  12 was something in your transcript that was deficient  13 for the job you were applying for?  14 <b>A. No, I didn't.</b>  15 Q. Okay.  16 <b>A. I thought that what I had was -- was</b>  17 <b>beneficial.</b>  18 Q. Okay. Do you believe today that the  19 courses you had on your transcript were deficient  20 for the job you were applying for?  21 <b>A. No, I've had --</b>  22 Q. Okay.  23 <b>A. -- many other jobs based on those same</b>  24 <b>education and credentials.</b></p>	<p style="text-align: right;"><b>Page 136</b></p> <p>1 CERTIFICATE  2  3 STATE OF OHIO :  4 : SS  5 COUNTY OF HAMILTON :  6  7 I, Susan M. Barhorst, a Notary Public in  8 and for the State of Ohio, duly commissioned and  9 qualified, do hereby certify that prior to the  10 giving of this deposition the within-named  11 MICHAEL E. MILLER was by me first duly sworn to  12 testify the truth, the whole truth, and nothing but  13 the truth; that the foregoing pages constitute a  14 true, correct, and complete transcript of the  15 testimony of said deponent, which was recorded in  16 stenotypy by me, and on the 5th day of July  17 2007 was submitted to counsel for deponent's  18 signature.  19 I further certify the within deposition was  20 duly taken before me at the time and place stated,  21 pursuant to the Federal Rules of Civil Procedure;  22 that I am not counsel, attorney, relative or  23 employee of any of the parties hereto, or their  24 counsel, or financially or in any way interested in</p>
<p style="text-align: right;"><b>Page 135</b></p> <p>1 Q. Did you ever see the job  2 qualifications for the job you were applying for at  3 AK Steel?  4 <b>A. No, I didn't.</b>  5 MS. DONAHUE: Okay.  6 MS. PRYOR: Done. Nothing further.  7 MS. DONAHUE: Okay. That's it. We're  8 done.  9 (Deposition concluded at 12:04 p.m.)  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p> <p style="text-align: center;">_____  Michael E. Miller</p>	<p style="text-align: right;"><b>Page 137</b></p> <p>1 the within action, and that I was at the time of  2 taking said deposition a Notary Public in and for  3 the State of Ohio.  4 IN WITNESS WHEREOF, I have hereunto set my  5 hand and notarial seal at Cincinnati, Ohio, this  6 5th day of July 2007.  7  8  9  10 Susan M. Barhorst, Notary Public  11 in and for the State of Ohio.  12 My commission expires  13 February 18, 2009  14  15  16  17  18  19  20  21  22  23  24</p>